

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72983 of 2019

Arising Out of PS. Case No.-253 Year-2019 Thana- MAIRWAN District- Siwan

Akhilesh Pratap Singh Son of Nagendra Singh Resident of Village - Ram Raj
More, Near Hanuman Mandir, P.S. Siwan Town, District - Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Ajay Kumar Tiwary, Advocate

For the Opposite Party : Mr.Upendra Kumar, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-11-2019 Heard learned counsel for the petitioner as well as
learned counsel for the State.

Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 30(a), 38(i) & 41(i) of
the Bihar Prohibition and Excise Act, 2016.

There is allegation of recovery of about 100 liters of
liquor from the WagonR vehicle, whose owner is the petitioner.

Learned counsel for the petitioner submits that at the
time of recovery, the petitioner was in fact not even driving the
vehicle nor he was on board at that time. He is no way
concerned with the recovery, as the same has not been recovered
from his conscious possession. It is further submitted that in fact
without the knowledge and consent of this petitioner the vehicle
was being used by the driver for transporting illegal liquor.
Petitioner has got no criminal antecedent. The mandatory
provision under Section 100 Cr.P.C. has not been followed at the
time of seizure.

Considering the facts of the case, let the petitioner,
above named, in the event of arrest/surrender before the Court
below within a period of six weeks from the date of receipt of
the order, be released on bail on furnishing bail bond of
Rs.10,000/- (ten thousand) each with two sureties of the like
amount each to the satisfaction of the learned Additional



Sessions Judge II, cum Special Judge Excise Act Siwan in Mairwa Police Station Case No. 253 of 2019, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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