

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 76075 of 2019**

Arising Out of PS. Case No.-75 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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PRAMOD KUMAR Son of Sri Devendra Rai Resident of Village Manpur
Bairiya, P.S. - Gopalpur, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh
For the Opposite Party/s : Ms.Pronoti Singh

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 02-12-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner apprehends arrest in a case registered under
Sections 30 (a), 32 (3), 41 (1) and 42 (2) of Bihar Prohibition
and Excise Act, 2016.

Petitioner is owner of a Tempo which is being used as
a public carrier. Allegation is that 20 liters of country made
liquor was recovered from the said Tempo when it was driven
by co-accused Ranjit Kumar. It is upon statement of Ranjit
Kumar that the petitioner has been implicated in this case.
Petitioner's counsel submits that the petitioner had no means of
control over co-accused Ranjit Kumar and that he is not aware
when and how the alleged liquor was loaded on Tempo which



even, as per allegation made in the first information report, was being driven by co-accused Ranjit Kumar. No recovery whatsoever has been made from the petitioner and the petitioner has been implicated in this case only upon the statement of driver, co-accused Ranjit Kumar. The allegations, under the Bihar Prohibition and Excise Act, are not made out against the petitioner.

Learned APP for the State, with reference to Section 76 (2) of Bihar Prohibition and Excise Act, has opposed the prayer.

Considering the rival submissions, this Court is inclined to accept the submission of the petitioner's counsel for the limited purpose of granting bail.

Let the petitioners above named, in the event of his arrest or surrender within four weeks from today, shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Patna in Kankarbagh Police Station Case No 75 of 2019 subject to all conditions as laid down in Section 438 (2) of Criminal Procedure Code and also the following conditions:

- (1) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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