

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7019 of 2020**

Arising Out of PS. Case No.-522 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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NITISH KUMAR Son of Shri Bhushan Sharma Resident of Village-Naugarh
Newari, P.S.-Sakurabad, District-Jehanabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Prashant Kashyap
For the Opposite Party/s : Mr.Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 10-06-2020 The petitioner seeks bail in anticipation of his

arrest in connection with Barachatti P.S. Case No.

EX522 of 2019 dated 13.08.2019 instituted for the

offences under Section 30(a) and 56(b) of the Bihar

Prohibition and Excise (Amendment) Act, 2018.

It appears from the records that 81 litres of

liquor was recovered from a vehicle belonging to the

petitioner. The driver of the vehicle, namely, Ankit Raj

and one Santosh Pandey were arrested.

The petitioner is sought to be prosecuted in this



case only because the vehicle, from where recovery has been made belongs to him.

From the records, it also appears that the vehicle was hired by the aforesaid two arrested accused persons and petitioner had no knowledge that the vehicle would be used for transporting liquor. The petitioner is said to be a person of clean antecedent.

Considering the afore-stated facts, the petitioner, above named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge -cum-Special Judge, Excise, Gaya in connection with Barachatti P.S. Case No. EX522 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.



However, it is made clear that the aforesaid order shall be implemented only if the petitioner has not yet been arrested.

(Ashutosh Kumar, J)

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