

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21235 of 2020**

Arising Out of PS. Case No.-54 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Rohtas

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SARDAR NONIYA @ SARDAR PRASAD Son of Shobhnath Noniya
Resident of Village- Belaon, P.S.- Belaon, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Sunil
For the Opposite Party/s : Mr.Aslam Ansari

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-06-2020 Learned Counsel for the petitioner is directed to

remove all the defects, as pointed out by the Stamp Reporter,

within a period of eight weeks from today.

Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through video

conferencing.

The petitioner seeks regular bail in connection with

Excise Case No. 54 of 2020, registered for the offences

punishable under Section 30 (a) of the Bihar Prohibition and

Excise Act, 2016.

The allegation against the petitioner, as per the

prosecution report submitted by the Excise Officials, is that one

auto-rickshaw, bearing Registration No. BR 45P-3896 was



intercepted, in which two persons were found sitting. It has further been alleged that one Amar Lal Singh was found driving the auto-rickshaw and after search, total quantity of 77.760 litres of illicit liquor was recovered from the said auto-rickshaw.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of the fact that he was sitting in the auto-rickshaw in question. He further submits that the petitioner was travelling in the auto-rickshaw in question as a bona fide passenger and he was not aware about the existence of a plastic bag beneath his seat from where the illicit liquor has been recovered. He further submits that the petitioner has got no criminal antecedent and he is in custody since 01.03.2020. He further submits that the procedure prescribed under Section 100 of the Code of Criminal Procedure, 1973, has not been followed.

After having heard learned Counsel for the parties and taking into consideration the facts that the petitioner is not the owner of the auto-rickshaw, as stated in paragraph 13 of this application and the petitioner is in judicial custody since 01.03.2020 having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be



released on bail upon furnishing bail bonds of Rs. 25,000/-
(twenty five thousand) with two sureties of the like amount each
to the satisfaction of learned 2nd Additional Sessions Judge
-cum- Special Judge, Excise, Rohtas, at Sasaram, in connection
with Excise Case No. 54 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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