

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28227 of 2020**

Arising Out of PS. Case No.-93 Year-2020 Thana- GAYA MUFASIL District- Gaya

MD. ISMAIL HASSAN @ MD. ISMAIL HASAN Son of Late Ali Hassan
Resident of Village- Nauranga, P.S.- Moffassil, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 16-12-2020 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner apprehends his arrest in Muffasil
(Gaya) P.S. Case No. 93 of 2020, registered for the offence
punishable under Section 30(a)/32(3) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

90 litres of country made liquor is said to have been
recovered from a tempo bearing registration no. BR02PA7447.
Petitioner has been made accused because he is the owner of
tempo.

It is submitted that petitioner has falsely been



implicated in this case. Nothing has been recovered from conscious possession of this petitioner. The said vehicle has already been rented to one Ashok Paswan father of co-accused who was apprehended on the spot prior to the occurrence. Petitioner has got clean antecedent, as stated in para 3 of the petition.

Considering the facts aforesaid, the petitioner above-named in the event of his arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge-Excise Act, Gaya in connection with Muffasil (Gaya) P.S. Case No. 93 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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