

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28974 of 2020

Arising Out of PS. Case No.-192 Year-2020 Thana- MAHUA District- Vaishali

PARMOD KUMAR S/o Jagdish Mahto R/o Village- Mahua Singh Ray, P.S.-
Mahua, District- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niranjana Parihar

For the Opposite Party/s : Mr. Kumar Virendra Narayan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-12-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through Video
Conferencing.

This application, for grant of anticipatory bail, arises
out of Mahua Police Station Case No. 192 of 2020, disclosing
offences under Section 30 (a)/32(ii)/34(ii)/38(ii)/41(i) of the
Bihar Prohibition and Excise Act, 2016 (hereinafter referred to
as 'the Act').

The prosecution case, as per the First Information
Report, is that the police, on the basis of secret information,
tried to stop one pick-up van, but the driver fled away and on
chase the vehicle was intercepted but 2-3 persons, including the
driver, sitting inside the pick-up van managed to escape, and
upon search of the pick-up van, the police recovered a total



quantity of 659.16 litres of illicit liquor from the said vehicle. The petitioner has been made accused in this case on the basis of the fact that he happens to be the owner of the vehicle, in question.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has been made accused in this case on the basis of the fact that he is the owner of the vehicle, in question. He further submits that the vehicle in question is a commercial vehicle and was plied by its driver on hire basis and the petitioner was not aware about the illicit liquor being carried in the vehicle in question by the driver. He further submits that the petitioner has got no criminal antecedent.

After having heard learned Counsel for the parties concerned and taking into consideration the on record, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge



-cum- Special Judge, Excise, Vaishali, at Hajipur, in connection with Mahua Police Station Case No. 192 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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