

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77177 of 2019**

Arising Out of PS. Case No.-385 Year-2019 Thana- SIKARPUR District- West Champaran

MURTUJA ANSARI Son of Basir Resident of Khirkia, P.S.- Padrauna,  
Kushinagar (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar Gupta, Advocate

For the Opposite Party/s : Mr.Humayou A. Khan, Addl Public Prosecutor

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

2      17-02-2020                      Heard learned counsel for the petitioner as well as  
learned counsel for the State.

Petitioner apprehends arrest in a case registered for the offences punishable under Section 420 Indian Penal Code and under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

There is allegation of recovery of about 141 liters of liquor from the petitioner's vehicle.

Learned counsel for the petitioner submits that though the petitioner is the owner of the vehicle but at the relevant time he was not driving the same as such he is not aware of the consignment being carried by the said vehicle. He is no way concerned with the recovery, as the same has not been recovered from his conscious possession. It is further submitted that in fact without the knowledge and consent of this petitioner the vehicle was being used by the driver for transporting illegal liquor. Petitioner has got no criminal antecedent. The mandatory provision under Section 100 Cr.P.C. has not been followed at the time of seizure.



Considering the facts of the case, let the petitioner, above named, in the event of arrest/surrender before the Court below within a period of six weeks from the date of receipt of the order, 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 the learned Special Judge Excise Act West Champaran, Bettiah in Shikarpur Police Station Case No. 385 of 2019, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

**(Prabhat Kumar Singh, J)**

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