

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.524 of 2020

Arising Out of PS. Case No.-307 Year-2018 Thana- MAIRWAN District- Siwan

RAJENDRA YADAV S/o Late Brichha Chaudhari R/o Village- Harihans,
P.S.- Hussainganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brisketu Sharan Pandey, Adv.

For the Opposite Party/s : Mr.Kanhaiya Kishore, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 09-06-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Mairwa P.S.
Case No.307 of 2018 registered under Sections 272, 273 and 34
of the Indian Penal Code and under Sections 30(a), 38(i) and
41(i) of Bihar Prohibition and Excise Act.

The police intercepted two persons namely, Sandeep
Kumar Yadav and Dharmendra Kumar Yadav while they were
carrying liquor on a motorcycle bearing registration No.BR-
29L-7773. 21 litres liquor was also recovered from their
possession.

The learned counsel for the petitioner submits that
petitioner is owner of the motorcycle. Sandeep Kumar Yadav,
the son of the petitioner was carrying liquor on the motorcycle
of the petitioner. Petitioner had no knowledge that his son was



carrying liquor on the motorcycle.

Taking into consideration the fact that petitioner is of course the owner of the motorcycle but his son was apprehended while carrying liquor on the motorcycle for that the petitioner cannot be presumed that petitioner had given consent to his son for carrying the liquor, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-cum-Special Judge, District-Siwan in connection with Mairwa P.S. Case No.307 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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