

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13083 of 2021

Arising Out of PS. Case No.-853 Year-2019 Thana- MASAUDHI District- Patna

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Abhinay Kumar, aged about 29 years, male, S/o Keshav Prasad Singh, R/o
Village- Sishwa Chak, P.S.- Punpun, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 24-12-2021 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his
arrest in connection with Special Case No. 10677 of 2019
arising out of Mashaurhi P.S. Case No. 853 of 2019, dated
29.11.2019, instituted for the offence under Section 30(a)
of the Bihar Prohibition and Excise Act, 2016.

2.250 litres of liquor is said to have been
recovered from a Maruti Alto car which belongs to the



petitioner.

It has been submitted on behalf of the petitioner that the vehicle was given to his friend to use it in a marriage procession. It appears that the associates of the friend of the petitioner carried liquor in the vehicle with them while participating in the marriage ceremony. The petitioner had no idea that his vehicle would be used for such unauthorized purpose. It has further been submitted that the petitioner has no criminal antecedents.

On these two grounds, it has been urged that the offence under the Excise Act cannot be said to have been made out against the petitioner.

For the reasons afore-stated, the petitioner, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No. 10677 of 2019 arising out of Mashaurhi P.S. Case No. 853



of 2019, subject to the conditions laid down under Section
438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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