

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35135 of 2020

Arising Out of PS. Case No.-392 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

PANNALAL Son of Vasudev Resident of Village - Virampur, G.T. Marg Etah,
P.S.- Etah, District - Etah (U.P.)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Tiwary, Advocate Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 22-03-2021 Heard Mr. Ranjan Kumar Tiwary, learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Kuchaikote P.S. Case No. 392 of 2019 dated 15.11.2019 instituted for the offences under Sections 30(a), 32(2), 36 and 41 (i) of the Bihar Prohibition & Excise Act, 2016.

3529.800 litres of liquor is said to have been recovered from a truck which allegedly belongs to the petitioner.

Learned counsel for the petitioner has submitted that he definitely is the owner of the vehicle in question, but he was not present in the vehicle when the same was intercepted. The driver of the vehicle appears



to have played truant. The vehicle had been given in the charge of the driver for the purposes of plying it commercially with a clear instruction to him that he shall not indulge in any unlawful activity.

According to the information of the petitioner, the vehicle belonging to him was booked for transportation of straw. It appears that the driver who has been arrested had agreed for transporting liquor as well and about which the petitioner had no knowledge.

Considering the aforestated facts and taking into account that the petitioner does not have criminal antecedents, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on his furnishing bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II, Gopalganj in connection with Kuchaikote P.S. Case No. 392 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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