

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31101 of 2020

Arising Out of PS. Case No.-781 Year-2019 Thana- ALAMGANJ District- Patna

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BHARAT SINGH, S/o Late Sudama Singh Resident of Muhalla-Bari
Patandevi ka gaddha, P.S.-Alamganj, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyam Kishor Singh

For the Opposite Party/s : Mr. Rajendra Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 17-08-2021 Heard Mr. Shyam Kishore Singh, learned

advocate for the petitioner and Mr. Rajendra Singh,

learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Alamganj P. S. Case No. 781
of 2019, dated 24.10.2019 (Special Case No. 9538 of
2019), instituted for the offences under Sections 30 (a)
and 37 (c) of the Bihar Prohibition and Excise Act, 2016.

The accusation in the F.I.R. is that five young
boys were arrested on the charge of having consumed
liquor and of displaying drunken behaviour. All the
aforesaid five persons were sitting in a vehicle which



stands in the name of the petitioner. One of the arrested accused persons is the son of the petitioner.

Hence, the prosecution against the petitioner.

The learned advocate for the petitioner has submitted that he has not been made accused in any case much less a case of this kind so far and the only reason to implicate him in this case is perhaps the registration of the vehicle being in his name.

The learned advocate for the petitioner has further submitted that assuming the allegation in the F.I.R. to be true, it can only be inferred that the son of the petitioner has gone astray. For the act of the son, the father cannot be punished or be prosecuted in this case.

There is nothing to indicate that the petitioner had any idea that his vehicle is being used by his son for any unauthorized purpose.

On these grounds, it has been urged on behalf of the petitioner that no offence under the Excise Act



cannot at all be said to have been made out against the petitioner.

For the reasons aforesaid, the petitioner, above-named, 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 bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-XIX cum Special Court (Excise Act), Patna, in connection with Alamganj P. S. Case No. 781 of 2019, dated 24.10.2019 (Special Case No. 9538 of 2019), subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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