

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45276 of 2021

Arising Out of PS. Case No.-15 Year-2021 Thana- SHRI NAGAR District- Madhepura

MD. ASFAQUE S/o Md. Abbas R/o village- Soni Electronics, Ward No. 10,
P.S. and District- Madhepura, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madan Mohan, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 09-12-2021

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, a total of 161.280 litres of IMFL is said to have been recovered from the truck of which the petitioner is the registered owner.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the possession of the petitioner. He has been implicated in the case only because of his being the registered owner of the vehicle. At the relevant time of the alleged seizure, the driver and khalasi of the vehicle were taken into custody and both of them have been enlarged on bail vide order dated 26.11.2021 passed in Cr. Misc.



no.32405 of 2021. The petitioner has no criminal antecedent and is in custody since 11.6.2021. Chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner not being arrested at the spot and not having criminal antecedent, the Court directs the petitioner to be enlarged on bail in connection with Srinagar P.S. Case no.15 of 2021 (Special Case no.92 of 2021) 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 Additional Sessions Judge II-cum-Special Judge, Excise, District Madhepura.

(Partha Sarthy, J)

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