

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34607 of 2020
Arising Out of PS. Case No.-150 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

BHARAT SAH, Son of Ram Babu Sah, Resident of Village - Terasia, P.S. -
Gaunga Bridge, District – Patna ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Anuj Kumar, Adv.
For the Opposite Party : Mr. Ajay Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 26-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
C2A 150 of 2019, registered under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The accusation is that in course of raid at Gandhi
Chowk in the district of Hajipur, one person was seen moving in
fast speed from motorcycle, but, on chase he was apprehended
with the motorcycle, bearing registration no. BR-01X-8631, and
on search in a bag three plastic packets, each containing six
liters country made liquor recovered. The persons, who was
caught hold, disclosed his name Rahul Kumar and, on query, he
disclosed that motorcycle is belonging to his maternal uncle,
Bharat Sah (petitioner), who succeeded to flee away and he had
instructed him to carry the liquor handing over his motorcycle.

Submission is that petitioner (Bharat Sah), admittedly,
is the maternal uncle of co-accused, Rahul Kumar. Co-accused,



Rahul Kumar, being the nephew of the petitioner, took the motorcycle of the petitioner for some urgent work and in that course he has been apprehended by the police with the petitioner's motorcycle from which 18 liters country made liquor recovered in three plastic pouches. Petitioner had no knowledge that co-accused, Rahul Kumar, had taken his motorcycle for carrying the liquor. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with C2A 150 of 2019 shall 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 Additional Sessions Judge II-cum-Special Judge, Excise, Vaishali at Hajipur, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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