

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35391 of 2020

Arising Out of PS. Case No.-99 Year-2020 Thana- BACHHWARA District- Begusarai

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1. UMESH RAI Son of Ram Bilash Rai Resident of Village-Rani 03 Ward No.7, P.S.-Bachhwara, District-Begusarai.
 2. Bipin Kumar S/o Umesh Rai Resident of Village-Rani 03 Ward No.7, P.S.-Bachhwara, District-Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh
For the Opposite Party/s : Mr. Md. Sufiyan

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 24-03-2021 Heard Mr. Jai Prakash Singh, learned counsel for

the petitioners and Mr. Md. Sufiyan, learned APP for the

State. .

The petitioners, who are father and son amongst

themselves seek bail in anticipation of their arrest in

connection with Bachhwara P.S. Case No. 99 of 2020

instituted for the offence under Sections 30 (a) of the Bihar

Prohibition and Excise Amendment Act, 2016.

153 litres of liquor is said to have been

recovered from a tempo vehicle from where two persons



managed to run away. On search of the vehicle, the registration document as well as the learner's license were recovered. From the afore-noted two documents, it appeared that the tempo belonged to petitioner no. 1 and that the petitioner no. 2 had a learner's driving license. On that basis, the petitioners are sought to be prosecuted in this case.

Learned counsel for the petitioners has submitted that there is no dispute on the fact that the tempo vehicle belongs to the petitioner no. 1 and that petitioner no. 2 had applied for driving license and has been given learner's license. But it has been submitted that merely because of the presence of the two documents referred to above, it cannot be presumed that the petitioners were occupying the vehicle at the time of the raid.

The petitioners had given the vehicle to some other person to ply it commercially on roads with specific instruction that it should not be used for transportation of liquor. It appears, it has been argued on behalf of the petitioner, that the driver has played truant and has flouted the instructions of the petitioners.



The petitioners have clean antecedents.

Regard being had to the afore-stated facts, the petitioners, above named, are directed to be released on bail, in the event of their 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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -II-cum-Special Judge Excise Act, Begusarai, in connection with Bachhwara P.S. Case No. 99 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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