

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36447 of 2020

Arising Out of PS. Case No.-09 Year-2019 Thana- KHANPURA District- Samastipur

PAWAN KUMAR MAHTO Son of Shri Narayan Mahto, Resident of Village-
Bujurg Dwar, P.S.- Khanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogesh Chandra Verma, Sr. Adv.
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 30-01-2021 Heard both sides.

Petitioner seeks bail in Khanpur P.S. Case No.09 of 2019 registered under Sections 30(a), 35(a), 41(1), 41(2) and 47 of the Bihar Prohibition and Excise Act.

The informant got information of transporting liquor from a pick up van and when the informant having received such information went to the place and saw a pick-up van parked and five persons were standing near two motorcycles. Two motorcyclists, namely, Pushpak Kumar and Deepak Kumar were apprehended. The apprehended accused disclosed the names of Krishnandan Ram @ Bisundeo Ram, Bipin Kumar and Kamlesh Kumar @ Kamli. On search, huge quantity of liquor was recovered from the pick-up van.

Learned senior counsel for the petitioner submits that



the petitioner is not named in the F.I.R. The petitioner is the owner of the motorcycle bearing registration no.BR-33C-7210 but nothing has been recovered from the motorcycle. It is submitted that the petitioner has already sold the motorcycle but even if the motorcycle is recovered and the owner book of the motorcycle is standing in the name of the petitioner, the petitioner cannot be said to be having in possession of any liquor. The petitioner is in jail since 21.08.2020.

Learned APP, however, opposed the prayer for bail.

Taking into consideration the facts aforesaid and the nature of allegation made against the petitioner and the fact that the petitioner is in jail since 21.08.2020, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/-(rupees ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Act, Samastipur in connection with Khanpur P.S. Case No.09 of 2019.

(Prabhat Kumar Jha, J)

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