

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.36666 of 2020

Arising Out of PS. Case No.-40 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

RAJIV SAH SON, OF YADUNANDAN SAH, RESIDENT OF VILLAGE -
NARAYANPUR, P.S. - BIHPUR, DISTRICT – BHAGALPUR

... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Anil Kumar Choudhary, Adv.

For the Opposite Party : Mr. Balmukund Prasad Sinha, APP

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

ORAL ORDER

2 25-06-2021 As prayed for, through video conferencing, let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide it's note, dated 18.12.2020, within four weeks of starting of the Court proceeding in physical mode properly.

Heard the parties through video conferencing.

The petitioner seeks pre-arrest bail in connection with Excise Comp. Case No. 40 of 2020 (Bhaljaur Check Post-cum-Bausi and Barahat Prakhan, district Banka), registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that Excise Officials stopped a TATA 407 vehicle, bearing registration no. BR-11S-6667, in the way. On search, several bottles, in volume of 914.400 liters of Indian made foreign liquor recovered concealing in the rice bags. The driver disclosed his name Md. Azad and also disclosed the name of Rajiv Sah (petitioner) as owner of the bags.



Learned counsel appearing on behalf of the petitioner submits that the vehicle of the petitioner was sent for Deoghar for loading the rice, but, beneath the bags of rice the driver also loaded bottles of the liquor, as alleged in the first information report, as such, the petitioner had no knowledge about carrying the liquor concealing in the rice bags by the driver of the vehicle. 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 arrest/surrender, within a period of four weeks from today, in connection with Excise Comp. Case No. 40 of 2020 (Bhaljaur Check Post-cum-Bausi and Barahat Prakhn, district Banka) 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, Banka, 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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