

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36366 of 2020

Arising Out of PS. Case No.-253 Year-2020 Thana- MANJHI District- Saran

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Baban Kumar @ Baban Yadav @ Swami Baban Yadav, aged about 28 years (Male), Son of Ram Sarekhi Rai, Resident of Village Paharichak, P.S. Sonpur District Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 09-04-2021 Heard both sides through video conferencing.

The petitioner apprehends his arrest in Manjhi P.S. CaseNo.253 of 2020, registered under Sections 30/30(a)/38(i) (ii) of the Bihar Prohibition and Excise Act.

The police intercepted a pick up van bearing Registration No.BR-01GH-3566 and arrested the driver of the pick up van. The driver disclosed his name as Sudhir Kumar Rajak. On search, 160 litres of Indian made foreign liquor of different brands was recovered. The driver disclosed that petitioner Baban Yadav is the owner of the vehicle.

Learned counsel for the petitioner submits that the petitioner is of course the owner of the vehicle but the driver was plying the vehicle on hire and petitioner had no knowledge about carrying liquor in his vehicle by the driver. The petitioner has got no criminal antecedent and this is the first case in which the petitioner is made accused.

It appears that the driver of the vehicle was



intercepted with the vehicle and he disclosed the name of the petitioner as owner of the vehicle but the driver did not disclose that the consignment of liquor was loaded on the vehicle with prior permission of the owner of the vehicle. The case of the petitioner is that the driver of the vehicle was plying the vehicle on hire and he had no knowledge about the fact that the driver was carrying liquor in the vehicle.

Considering the facts aforesaid, I find that the petitioner deserves anticipatory bail.

Accordingly, petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged 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 learned 2nd Additional Sessions Judge/Special Judge, Excise, Saran in connection with Manjhi P.S. Case No.253 of 2020, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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