

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40698 of 2020

Arising Out of PS. Case No.-88 Year-2019 Thana- PASRAHA District- Khagaria

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Kari Kumar, Son of Bino Sah @ Bino Saah, Resident of Village- Itahara,
Ward No. 05, P.S.- Sour Bazar, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 23-06-2021 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Pasraha P.S. Case No. 88 of 2019, dated 20.07.2019, instituted for the offences under Sections 30(a) and 38(1) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

From the prosecution report, it appears that a tempo vehicle was intercepted and two persons were



arrested, namely, Md. Anjam and Md. Naushad. From the vehicle 650.600 litres of liquor was recovered.

It has been submitted on behalf of the petitioner that he has not been named in the F.I.R., but his prosecution in the instant case is on the basis of the fact that he is the owner of the tempo vehicle. It has further been submitted that the aforesaid vehicle was given to the driver, namely, Md. Anjam to run it on commercial basis with clear instruction to him not to use the same for any unauthorized purpose. That instruction, it has been submitted, appears to have been blatantly flouted.

Considering the submission afore-stated and also taking into account the clean antecedent of the petitioner, which appears from paragraph 3 of the bail application, this Court is inclined to grant anticipatory bail to him as under such circumstances, the offences under the Excise Act are not arguable to made out.

The petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on



his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Khagaria, in connection with Pasraha P.S. Case No. 88 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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