

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3665 of 2021

Arising Out of PS. Case No.-307 Year-2019 Thana- DAUDNAGAR District- Aurangabad

VIVEK KUMAR RAI S/o Brahmdev Rai R/o Mohalla- Rai Market, Old GT
Road, New Diliya, Ward No. 20, P.S.- Dehri Town, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Chandra, Advocate
		Mr. Shashank Shekhar, Advocate
For the Opposite Party/s	:	Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-09-2021 Heard Mr. Shashank Chandra, learned Advocate

for the petitioner and Mr. Md. Mushtaque Alam, learned

APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Daudnagar P.S. Case No. 307
of 2019 dated 22.09.2019 instituted for the offence
under Section 30(a) of Bihar Excise Act, 2016.

The accusation in the FIR is that one Mukesh
Kumar was arrested with 32.4 litres of IMFL kept in a
motorcycle. The prosecution of the petitioner is only on
the basis of the motorcycle belonging to him.



The learned counsel for the petitioner has submitted that way back in the year 2016, he had sold the aforesaid motorcycle to one Md. Murtaja. Thereafter he does not know how Mukesh Kumar was found with the motorcycle and the liquor.

The petitioner does not have any connection whatsoever with aforesaid Mukesh Kumar. Learned counsel for the petitioner therefore submits that no offence under the Excise Act can at all be said to have been made out.

The petitioner is a teacher in a Government school and has not been made accused in any criminal case so far.

Though the document of sale is only on the stamp paper but considering the fact that the vehicle in question was alienated by the petitioner in the year 2016 only, he is directed to be released on bail, in the event of his 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 his
furnishing bail bonds in the sum of Rs. 10,000/- (Ten
Thousand) with two sureties of the like amount each to
the satisfaction of the learned Additional Sessions Judge-
VII-cum-Special Judge Excise Act, Aurangabad in
connection with Daudnagar P.S. Case No. 307 of 2019,
subject to the conditions as laid down under Section
438(2) Cr.P.C.

(Ashutosh Kumar, J)

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