

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5102 of 2021

Arising Out of PS. Case No.-136 Year-2020 Thana- BAUSI District- Purnia

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DEEPAK KUMAR DEEP, S/O SUNIL KUMAR DAS RESIDENT OF
MATHURAPUR, JAGDISHPUR BAGHNAGARI, P.S.-SAKRA,
DISTRICT-MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md Fazle Karim

For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-09-2021 Heard Mr. Md. Fazle Karim, learned advocate

for the petitioner and Mr. Syed Mojibur Rahman, learned

APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Baisi P. S. Case No. 136 of

2020, dated 10.06.2020, instituted for the offences

under Sections 272 and 273 of the Indian Penal Code

and Sections 30(a), 41 and 47 of the Bihar Prohibition

and Excise Act, 2016.

The accusation in the F.I.R. is that the vehicle

belonging to the petitioner was intercepted from where



694.080 litres of liquor was recovered. The aforesaid consignment of liquor was hidden under the packets of vegetables.

The learned advocate for the petitioner has submitted that the vehicle in question is a commercial vehicle which was given on rent to the driver with specific instruction to him not to indulge in any illegal activity.

The driver who was arrested, namely, Abhishek Yadav has actually played truant.

Merely because the vehicle in question stands in the name of the petitioner, it has been urged, the offence under the Excise Act cannot be said to have been made out against the petitioner as he had no knowledge about the liquor being transported by the said vehicle.

The petitioner does not have criminal antecedents.

Considering the afore-stated facts, the



petitioner, above-named, 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 Special Excise Judge, Purnea, in connection with Baisi P. S. Case No. 136 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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