

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8472 of 2021

Arising Out of PS. Case No.-249 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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ANWARUL HAQUE @ ANARUL HAQUE SON OF ABDUR RASHID
Permanent resident of village- Maheshpur, P.S.- Ratua, District- Malda (West
Bengal), At present- a Resident of Karnajore, P.S.- Raiganj, District- Uttari
Dinajpur (West Bengal_

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-12-2021 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Excise Case No. 249/20 instituted

for the offence under Section 30 (a) of the Bihar Prohibition

and Excise Act.

A truck was found stuck up in the mud. When the

cover of the truck was removed, it was found that the

vehicle was loaded with 7000 litres of spirit and 927 litres of

liquor. Four persons have been made accused in this case

including the petitioner.



The learned counsel for the petitioner has submitted that the first three accused of this case belong to East Champaran where the case has been lodged. The petitioner is resident of West Bengal. He is sought to be prosecuted to be in this case because he is the registered owner of the vehicle in question. The learned counsel for the petitioner has clearly stated in his petition that he is the owner of the vehicle but had given the same for being run commercially to his co-brother who is a resident of Katihar. Under what circumstances the vehicle was lent to the other accused persons is not known to the petitioner. No doubt, the petitioner is the owner of the vehicle but so far as the recovery of liquor is concerned, he has absolutely no concern with the same.

Regard being had to the afore-stated facts and taking into account the clean antecedent of the petitioner, 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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-13-cum-Special Judge, Excise, East Champaran, Motihari in connection with Excise Case No. 249/20, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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