

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80421 of 2019

Arising Out of PS. Case No.-373 Year-2018 Thana- VAISHALI District- Vaishali

BAIDYANTH RAI Son of Late Saryug Rai Resident of Village Badauli, P.S.
Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 02-08-2021 Heard Mr. Sunil Kumar Singh, learned Advocate

for the petitioner and Mr. Kalyan Shankar, learned APP

for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Vaishali P.S. Case No. 373 of

2018 dated 10.12.2018 instituted for the offences under

Sections 272 and 273 of the Indian Penal Code and

Section 30(a) of the Bihar Prohibition and Excise Act.

A tractor was intercepted in front of the house

of one Amresh Kumar. From the tractor, 1800 litres of

liquor was recovered. The tractor belongs to the

petitioner.



Hence his prosecution in this case.

Learned counsel for the petitioner has submitted that the tractor was taken on hire by aforesaid Amresh Kumar. The petitioner always had the idea that the tractor shall be used for agricultural operations but unfortunately the same was used for carrying liquor. The petitioner has got no concern with the liquor which has been seized in the raid. The petitioner was absolutely unaware of the purpose for which his tractor was hired.

He is a person of clean antecedents. The vehicle in question was parked in front of the house of Amresh Kumar. On these facts, it has been urged that the offence of Excise Act cannot be said to have been made out against the petitioner.

For the reasons stated above, the petitioner 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-II-cum-Excise Court, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 373 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

