

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21696 of 2021

Arising Out of PS. Case No.-117 Year-2020 Thana- BAHADURPUR District- Patna

SHYAM BABU RAY Son of Late Sitaram Ray Resident of Village -
Chakbara, P.S.- Hazipur, Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd. Singh, Adv.

For the Opposite Party/s : Mr.Anant Kumar 1, Adv.

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

3 05-01-2022 Heard the parties through video conferencing.

The petitioner apprehends his arrest in connection with Bahadurpur P.S. Case No. 117 of 2020, Special Case No. 4883 of 2020 registered for the offence under Section 30 (a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the petitioner is owner of the Tempo, which was carrying 70 litres of illicit liquor. The petitioner is not present at the spot, nor it can be said that the petitioner was any manner involved in the illegal smuggling of illicit liquor.

Learned counsel further submits that offence under Section 30 (a) could not be said to be prima facie made out against the petitioner.

Learned A.P.P. has opposes the prayer for bail and submits that the petitioner is the owner of the Tempo and presumption has to be ensured that he has involved in the case.

Considering the submission, prima facie merely because of a person who is owner of a Tempo or a vehicle, it can not be said that he would be involved in the trafficking/ smuggling of illicit liquor. Thus, I am satisfied that prima facie case is not made out against the petitioner, I am inclined to grant benefit of anticipatory bail to the above named petitioner and in the event of arrest he shall be released on bail, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Sanjeev Prakash Sharma, J)

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