

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30944 of 2021

Arising Out of PS. Case No.-193 Year-2020 Thana- DAGARUA District- Purnia

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IMTIYAJ ALAM @ MD IMTIYAJ ALAM SON OF MD. JIVRAHIL R/O
VILLAGE- LOKAHI (LAUKAHI), WARD NO.10, P.S.- BIHRA,
DISTRICT- SAHARSA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-01-2022 Heard Ms. Rashmi Jha, learned Advocate for
the petitioner and Mr. Ashok Kumar Singh, learned APP
for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Dagarua P.S. Case No. 193 of
2020 dated 12.11.2020 instituted for the offences under
Sections 272 and 273 of the Indian Penal Code and
Section 30(a) of the Bihar Excise Act.

173.41 litres of liquor is said to have been
recovered from a secret chamber of the trailer of a
vehicle of which the petitioner is stated to be the owner.

Learned counsel for the petitioner has
submitted that he is the owner of the vehicle in question
but had given it on rent under an agreement to one
Lallan Kumar, who has unauthorizedly carried liquor in



the vehicle. The petitioner had no idea that his vehicle shall be used for such unauthorized purpose.

The petitioner has clean antecedents.

On these facts, it has been urged that no case under the Excise Act can at all be said to have been made out against the petitioner.

For the facts aforestated, 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 four 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 Judge (Excise), Purnia in connection with Dagarua P.S. Case No. 193 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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