

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38360 of 2022

Arising Out of PS. Case No.-216 Year-2022 Thana- SHERGHATI District- Gaya

VINAY YADAV @ VINAY KUMAR S/o Churaman Yadav R/o village-Saipur, P.S.- Sherghati, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-09-2022 Heard learned counsel for the parties through video conferencing.

The petitioner apprehends his arrest in Sherghati P.S. Case No. 216 of 2022 registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act.

Total 46.875 liters of foreign liquor has been recovered from an e-rickshaw and it is alleged that co-accused Laxman Kumar, who was apprehended on spot, disclosed that seized e-rickshaw and liquor belong to this petitioner.

Petitioner denies the allegation and submits that he is neither owner of said e-rickshaw nor he has got any concern with the seized liquor. Petitioner has got clean antecedent.

Considering the aforesaid facts and circumstances, let the above-named petitioner, in the event of his arrest / surrender



before the court below within a period of thirty days from the date of receipt/production of copy of this order, be enlarged on ***provisional bail*** on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 2, Gaya in connection with Sherghati P.S. Case No. 216 of 2022, subject to condition as laid down under Section 438 (2) of the Cr.P.C. Subject to the condition that ***the ownership of the said e-rickshaw be duly verified and, if it is found that petitioner is not the owner of seized e-rickshaw, the provisional bail, granted to him, shall be confirmed. If, it is found that the ownership of said e-rickshaw is in the name of this petitioner, the court below would be at liberty to cancel the bail-bond granted to him.***

(Prabhat Kumar Singh, J)

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