

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49828 of 2021**

Arising Out of PS. Case No.-476 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

Basir Ahmed, Male age about 32 years, Son of Ilyas, Resident of Village-Medapatti, P.S.-Palwal, District-Palwal (Haryana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

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

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

ORAL ORDER

2 15-02-2022 Heard the parties through video conferencing.

The petitioner seeks bail in anticipation of his arrest in connection with Muffasil (Mahadeva) P.S. Case No. 476 of 2019 instituted for the offences punishable under Sections 272, 273, 467, 468, 471, 120(B)/34 of the Indian Penal Code and Section 30(a), 41(i) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the petitioner is the owner of the truck which was plying and belongs to Haryana and the truck was plying in Siwan district, where the driver has put the said liquor in the truck and the same has been recovered.

I have considered the submissions though the presumption under Section 30(a) would apply to the owner of

the truck. However, considering that the petitioner does not belong to Bihar and the truck owner is of Harayana, I am inclined to allow the petitioner on bail, in the event of arrest he shall be released on anticipatory 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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