

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61408 of 2021**

Arising Out of PS. Case No.-39 Year-2021 Thana- BARUN District- Aurangabad

MAHADEV KUMAR Son of Late Guljar Ram Resident of Village -
Ramdihra, P.s.- Amjhore, Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar
For the Opposite Party/s : Mr.J.N.Thakur

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 18-07-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard the learned counsel for the petitioner and
learned APP for the State.

The petitioner apprehends his arrest for the
offences alleged under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018, registered in Barun
P.S.Case No. 39 of 2021.

The learned counsel for the petitioner has
submitted that the seized tempo bearing Registration No. BR-
24P/8577, to which the petitioner is the owner, was stolen away



four months prior to lodging of the FIR. As per allegation, the illicit liquor was recovered from that tempo.

The impugned order itself shows that the petitioner had lodged a case being Amjhor P.S.Case No. 164 of 2020 on 4th October, 2020 under Section 379 of the Indian Penal Code with allegation that his tempo was stolen away.

It is evident from the impugned order that four months prior to the alleged occurrence, the tempo of the petitioner was stolen away. As such, the provision of Bihar Prohibition and Excise Act is not applicable against the petitioner. He is a person of clean antecedents.

Considering the above facts and circumstances, let the petitioner above-named, in the event of his arrest or surrender within four weeks from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Rohtas at Sasaram in connection with Barun P.S.Case No. 39 of 2021, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioner within the stipulated time as provided



hereinabove, failing which the matter shall be brought to the
notice of this Court.

(Nawneet Kumar Pandey, J)

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