

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69807 of 2021**

Arising Out of PS. Case No.-112 Year-2021 Thana- BALIA BELON District- Katihar

OM PRAKASH SRIVASTAVA S/o Dharamnath Srivastava R/o village-Parauli Tola Lachhua, P.S.- Basantpur, Distt.- Siwan. At present residing at House No. 113A, Vrindan Garden, Sahiabad Gaziabad, U.P.- 201005, (ii) C-171 3rd floor Salimar Garden, Sahiabad, Distt.- Gaziabad, U.P.- 201005

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 24-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Balia Belon P.S. Case No. 112 of 2021 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The Police on the basis of secret information, intercepted a vehicle, Tata DCM Truck bearing Registration No. UP-14-DT-3800 being driven by the petitioner and recovered a total quantity of 2220.375 litres of illicit foreign liquor from the same and the petitioner was arrested.

Learned counsel for the petitioner submits that the petitioner is not the owner of the vehicle and was plying the



same on the instruction of its owner and he was not aware about the illicit liquor being kept therein. The petitioner is in custody since 17.9.2021 and he has got no no criminal antecedent.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the petitioner is not the owner of the vehicle, he is in custody since 17.9.2021 and charge sheet has been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge – cum-Special Judge (Excise), Katihar, in connection with Balia Belon P.S. Case No. 112 of 2021 subject to the condition that one of the bailors shall be a local person residing in the territorial jurisdiction of concerned court.

(Anil Kumar Sinha, J)

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