

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52802 of 2023

Arising Out of PS. Case No.-180 Year-2021 Thana- DARBHANGA District- Darbhanga

Biru Sah, Son of Mahendra Sah, Resident Of Village- Satiasthan Road,
Shubhankarpur, P.S.- Town, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-08-2023 Heard Mr. Girish Chandra Jha, learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Town (Kotwali O.P.) P.S. Case No. 180 of 2021, registered
for the offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act, 2016.

3. In course of vehicle checking, the police
intercepted a tempo, however, on noticing the police party one
person succeeded in fleeing away while another person was
apprehended. On search, total 123 litres of country made liquor
was recovered.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner has been made accused in



this case only in the capacity of he being owner of the tempo, however, from the FIR it is evident that the person who succeeded in fleeing away from the place of occurrence was ‘Sarvesh Kumar’ and, moreover, the petitioner was neither present at the place of occurrence nor any incriminating material has been recovered from his whereabouts. He next submits that the tempo was given on rent to the driver for carrying the passengers and he was not even aware any incriminating material was being carried by some accused persons. He lastly submits that the petitioner is a man of fair antecedent.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the tempo in question, from where recovery has been made was given on rent and the petitioner has been made accused only in the capacity of being owner, coupled with the fair antecedent, let the petitioner above named 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, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



the learned Exclusive Special Judge-I (Excise Act), Darbhanga in connection with Town (Kotwali O.P.) P.S. Case No. 180 of 2021, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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