

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59657 of 2023

Arising Out of PS. Case No.-123 Year-2023 Thana- KOTWA District- East Champaran

MD. AMIR @ AMIR KHAN S/O DIN MOHAMMAD RESIDENT OF
VILLAGE CHILLA, PS- TAURU, DIST- NUH (MEWAT), STATE-
HARAYANA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-10-2023 Heard learned counsel for the petitioner and learned
APP for the State,

2. The petitioner apprehends his arrest in connection with Kotwa P.S. Case No. 123 of 2023, for the offence registered under Sections 30(a), 32, 36, 41(i)(ii) of the Bihar Prohibition and Excise Act, 2016 lodged on 01.04.2023, by the informant, Anuj Kumar Singh.

3. As per the prosecution story, the police apprehended a container and it was found that 7150 litres of spirit is present in the gallon of the drums. Both the Driver and the Cleaner were arrested. Further, it came to knowledge that it belongs to the petitioner who is owner of the truck. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that he being the owner had no knowledge about the Driver and the



Cleaner are carrying liquor. Further, he does not have any criminal antecedent. The last submission is that irrespective of the outcome of present petition as also without accepting the allegation, he is ready to pay Rs.1 lakh to the Patna High Court Legal Services Authority.

5. Learned APP for the State opposes the prayer for bail and submits that he being the owner cannot absolve himself from the allegation.

6. Taking into account the aforesaid fact that nothing has been recovered from the conscious possession and it was the Driver and Cleaner who were carrying the spirit in the truck. The petitioner is owner, do not have criminal antecedent, this Court is inclined to grant anticipatory bail to the petitioner subject to payment of Rs. 1 lakh in Patna High Court Legal Services Authority.

7. The petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1, East Champaran, Motihari, in connection with Kotwa P.S. Case No. 123 of 2023, subject to condition as



mentioned above and subject to the further condition as laid down under Section 438(2) of the Cr.PC with further condition that :-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide.

(ii) the petitioner shall appear on each and every date before the trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the trial Court itself,

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance,

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

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(Rajiv Roy, J)

