

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64866 of 2023

Arising Out of PS. Case No.-142 Year-2023 Thana- MAIRWAN District- Siwan

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Ajay Kumar @ Ajay Kr. Singh Son Of Sri Munni Prasad Village- Imaliya
Tola Kaularahi Ps- Bhorey Dist- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Priyadarshini Kumari, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-10-2023 Heard Ms. Priyadarshini Kumari, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Mairwan P.S. Case No. 142 of 2023, registered for the
offences punishable under Section 30(a) of Bihar Prohibition
and Excise Act, 2016.

3. Allegedly in course of vehicle checking, the police
intercepted a Bolero, bearing registration no. BR28L-6878. The
apprehended driver of the vehicle disclosed the name of the
petitioner as owner of such vehicle. On search, total 82.440
litres illicit wine was recovered.



4. Learned counsel appearing on behalf of the petitioner submits that the name of the petitioner has been implicated in this case only in the capacity of he being the owner of the vehicle. However, the vehicle was being run by the driver for the commercial purpose carrying the goods/passengers and the petitioner was not knowing this fact that the same was being used for illegal purpose by the driver. That apart, the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceedings of this Court. He lastly submits that there are other infirmities in the search and seizure.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has implicated in this case only in the capacity of being owner of the vehicle, which was being run for the purpose of carrying goods/passengers, coupled with his fair antecedent, let the petitioner abovenamed 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. 20,000/- (twenty



thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 01, Siwan in connection with Mairwan P.S. Case No.142 of 2023, 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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