

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70704 of 2023

Arising Out of PS. Case No.-471 Year-2023 Thana- KOILWAR District- Bhojpur

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ASHOK KUMAR @ ASHOK RAY Son of Ram Ishwar Ray R/o vill -
Mustafapur, P.s. - Bihta, Distt. - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. Satyendra Narain Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-11-2023 Heard Mr. Praveen Kumar, learned counsel appearing

on behalf of the petitioner and Mr. Satyendra Narain Singh,

learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Koilwar P.S. Case No. 471 of 2023, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

3. The police, on secret information, intercepted a
Tempo bearing Registration No. BR01PP 9638. The driver of
the Tempo was apprehended at the spot. On search, total 240
litres country-made liquor was recovered. It is also alleged that
the person who was seated in the Tempo has succeeded in
fleeing away.

4. It is submitted on behalf of the petitioner that being



the owner of the Tempo in question, his name has been implicated in this case. However, this is the fact that the Tempo was being run by the driver for carrying passengers and goods and the petitioner was not knowing this fact that the same was used for any illicit purpose. He next submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the court. He also submits that there are other infirmities in the search and seizure.

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

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has been made accused in the capacity of he being the owner of the Tempo, 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.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise Court No. II, Bhojpur at Ara in connection with Koilwar P.S. Case No. 471 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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