

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71271 of 2023

Arising Out of PS. Case No.-620 Year-2023 Thana- GAYA MUFASIL District- Gaya

ASHOK CHAUDHARY S/O NANKU CHAUDHARY VILLAGE-
JAMEHTA, PS. FATEHPUR, DIST. GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan

For the Opposite Party/s : Mr. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-11-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application for grant of anticipatory bail arises out of Mufassil Police Station Case No. 620 of 2023, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 20168(hereinafter referred to as 'the Act').

3. As per the First Information Report, police intercepted an auto and upon seeing the police party, the driver fled away after leaving the auto on the road. The police recovered 18 liters of illicit liquor from the said auto. The petitioner and the driver of the auto have been made accused. The petitioner is said to be the owner of the auto.

4. Learned Counsel for the petitioner submits that merely because the petitioner is the owner of the auto, he has been made accused but the illicit liquor which has been recovered was not in the knowledge of the petitioner being the owner. He next submits that the



petitioner had given the auto for the purpose of plying it to the driver on a daily rental of Rs. 300/- and accordingly, the petitioner was not in a position to say regarding the illicit liquor being kept therein. The petitioner is having no criminal antecedent.

5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that petitioner was plying the vehicle on rental basis and the petitioner is having no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, Ashok Chaudhary, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-1, Gaya, in connection with Mufassil Police Station Case No. 620 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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