

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48895 of 2024

Arising Out of PS. Case No.-7 Year-2023 Thana- DUMARIAGHAT District- East Cham-
paran

Md. Sultan Son Of Ful Mahmad Resident Of Village - Devpur, P.S. - Chakiya,
District - East Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Adv.
For the Opposite Party/s	:	Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 13-09-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. Petitioner apprehends his arrest in connection with
Dumariyaghat P.S. Case No. 07 of 2023 dated 13.01.2023
registered for the offences punishable under Section 30(a) of
Bihar Prohibition and Excise Act.
3. Mr. Abhishek Kumar, learned counsel appearing for
the petitioner submits that the petitioner is not named in the FIR
and nothing incriminating has been recovered from the
conscious or constructive possession of the petitioner. He has
been made accused in the present case, as he happens to be
owner of the seized car. Learned counsel further submits that the
alleged liquor was not being carried in petitioner's car with his



knowledge. The petitioner has got no criminal antecedent.

4. Mr. Nitya Nand Tiwary, learned APP for the state has opposed the prayer for bail.

5. Heard both the sides and perused the FIR and the case diary. Though the petitioner is said to be the owner of the alleged Maruti car which was seized with the illicit foreign liquor but the petitioner has taken the plea that he had no knowledge about the transportation of the seized liquor by his vehicle, he has been made accused mainly on account of he being the registered owner of the said vehicle and there is nothing direct or indirect evidence to show the petitioner's involvement in the alleged crime, hence, the alleged offence of Bihar Prohibition and Excise Act does not attract against him, even prima facie. In rebuttal, the learned APP has simply mentioned that the petitioner is said to be the owner of seized vehicle and admittedly his vehicle was found loaded with seized wine. Learned APP has not drawn the attention of this Court to any other incriminating materials against this petitioner except the said ownership and during the course of hearing, the case diary has also been provided to the learned APP to assist this Court.

6. Considering the above noted facts and submissions,



this Court finds the petitioner’s prayer to be fit for accepting. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Dumariyaghat P.S. Case No. 07 of 2023, on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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