

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13406 of 2017

Arising Out of PS.Case No. -232 Year- 2016 Thana -KUCHAIKOTE District- GOPALGANJ

=====

Subhash Prasad @ Subhash Kumar, Son of Ramayan Prasad @ Ram Narayan Prasad, Resident of Village- Golaghat, Dumari, P.S.- Joggapatti, District- West Chmparan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Satyendra Rai, Advocate.

For the Opposite Party : Mr. Dashrath Mehta, APP.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 23-06-2017 Heard both sides.

The petitioner apprehends his arrest in Kuchaikot P.S. Case No. 232 of 2016 registered for the offences punishable under Sections 272, 273 and 420 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The police intercepted the Bolero jeep bearing registration no. BR06PA-1412 and on search from the jeep 1530 bottles each containing 200 ml liquor was recovered. Manoj Ram and Raj Kumar Sah were apprehended. Manoj Ram was the driver of the vehicle. Raj Kumar Sah disclosed that he and Subhash Prasad @ Subhash Kumar used to purchase and sale liquor. Subhash Prasad @ Subhash Kumar, the petitioner is owner of the vehicle.

Learned counsel for the petitioner submits that the petitioner is not the owner of the vehicle. No chit or paper is filed showing that



the owner book of the vehicle stands in the name of the petitioner.

Learned APP on the other hand submits that the anticipatory bail petition is not maintainable in a case registered under different Sections of the Excise Act but it appears that the name of the petitioner figured in the case in the statement of Raj Kumar Sah that the petitioner is the owner of the vehicle. The petitioner denies this fact and stated that he is not at all owner of the vehicle. One of the co-accused has already been granted anticipatory bail.

Considering the facts aforesaid the petitioner above named, 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, is directed to be enlarged 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 learned Chief Judicial Magistrate, Gopalganj in Kuchaikot P.S. Case No. 232 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	
---	--	---	--

