

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14863 of 2017

Arising Out of PS.Case No. -111 Year- 2016 Thana -SANOKHAR District- BHAGALPUR

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Tejnarayan Gupta Poddar Son of Sri Bachchu Sah, Resident of Village-
P.W.D. Prakash Nagar, P.S. Town, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh No. 1
Mr. Bharat Bhushan, Advocate

For the Opposite Party/s : Mr. Sri Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 06-04-2017

Heard learned counsel for the petitioner.

The petitioner is accused in connection with Sanokhar P.S. Case No. 111 of 2016 lodged for the offences punishable under Sections 188, 290 of the Indian Penal Code and Sections 30(a) and 30(g) of the Bihar Excise (Amendment) Act, 2016.

It has been submitted on behalf of the petitioner that the petitioner has nothing to do with the seized articles. Neither he was arrested at the spot nor named in the FIR, rather the driver who was arrested at the spot named one Dr. Ranjan Kumar as owner of the vehicle and it is stated that said Dr. Ranjan Kumar sold the vehicle to this petitioner but there is no paper showing that the petitioner is owner of the vehicle and he has falsely been



implicated in this case. The petitioner is resident of Khagaria district whereas the said Dr. Ranjan Kumar is a resident of Mokamah, Patna.

Heard learned APP also.

Having heard both sides and in view of the provisions contained in Section 76(2) of the Bihar Prohibition and Excise Act, 2016, I am not inclined to grant anticipatory bail to the petitioner. The prayer is rejected.

However, if the petitioner surrenders before the learned court below within a period of two weeks and makes prayer for regular bail, the court below will consider the aforesaid aspects of the matter and the fact that he has not been arrested and further that the vehicle is alleged to have been purchased by him and considering the aforesaid aspects, pass appropriate order without being purchased by the order of this Court, if possible, on the same day.

The application is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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