

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23075 of 2018

Arising Out of PS. Case No.-135 Year-2017 Thana- MINAPUR District- Muzaffarpur

Ritesh @ Ritesh Chhutikara, Son of Om Chhutikara, Resident of House No. 11/651, Dayanand Nagar, Bahadurgarh, P.S. Bahadurgarh, District- Jhajjar, Hariyana

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Adv.

For the Opposite Party/s : Mr. Sri Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 23-04-2018 Heard Sri Upenndra Kumar Choubey, learned counsel for the petitioner and Sri Awadhesh Kumar Singh, learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Minapur P.S. Case No.135 of 2017 registered for the offence under Sections 272, 273, 224 of the Indian Penal Code and Sections 30(a)/38/41/48 of the Bihar Prohibition and Excise Act, 2016, has prayed for grant of bail, in the event of his arrest or surrender.

Learned counsel for the petitioner submits that the petitioner has been made accused only on the ground that the petitioner was shown to be registered owner of the vehicle i.e. truck, which was intercepted by the police on



17.05.2017 loaded with huge quantity of Indian Make Foreign Liquor. Learned counsel for the petitioner has drawn my attention to Annexure-2 to the petition to show that the petitioner only on 08.05.2017 had entered into an agreement with one Vikash, driver of the truck, who was apprehended by the police, and truck was handed over to Vikas on hire basis and as per agreement, the term of period was from 10.05.2017 to 09.05.2018. Learned counsel for the petitioner tried to persuade the Court that Annexure-2 elaborates that at the time, while the vehicle was used for carrying Indian Make Foreign Liquor, was not in actual possession of the petitioner, rather it was handed over to one of the co-accused.

The Court is of the opinion that veracity of such agreement can be looked during investigation and there is possibility that after the truck was intercepted by the police and the driver was arrested, such document was fabricated and it is very difficult for the Court to place reliance on such documents.

Considering the fact that huge quantity of Indian Make Foreign liquor was recovered from the truck of the



petitioner, there is no reason to extend the privilege of
anticipatory bail to the petitioner.

The petition stands dismissed.

(Rakesh Kumar, J)

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