

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10012 of 2019

Arising Out of PS. Case No.-224 Year-2018 Thana- CHAKIA District- East Champaran

UPENDRA RAI, son of Late Shambhu Rai, resident of village-Mahamadpur
Balmi, P.S-Motipur, Distt.-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-02-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner is seeking anticipatory bail in connection with Chakiya P.S. Case No. 224 of 2018 registered for the offences punishable under Sections 272, 273 and 290 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the case in question has been registered on the statement of the S.I. who alleged that on secret information he has apprehended two persons in a Santro Car as they had started fleeing away, the police also intercepted a Bolero vehicle, they disclosed the name of this petitioner. On search 135 liters of foreign liquor was recovered from the Bolero vehicle. Learned counsel submits that so far as this petitioner is concerned, he was not arrested



from the vehicle but his name has transpired in the statement of the persons arrested at the spot. They have stated that Bolero vehicle belongs to this petitioner, whereas the fact is that the vehicle does not belong to this petitioner.

On the other hand, learned APP for the State submits that there is a statement of the co-accused that Bolero vehicle from which the illicit liquors were recovered belongs to this petitioner.

In the given facts and circumstances of the case considering that the petitioner has no criminal antecedent as stated in paragraph 3, this Court directs that in case the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for bail shall be considered on the same day and shall be disposed off. It will be for the court below to see apart from other materials whether the materials collected in course of investigation indicate about the ownership of the vehicle Bolero and take decision based thereon.

The application stands disposed off accordingly.

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(Rajeev Ranjan Prasad, J)

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