

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10171 of 2019

Arising Out of PS. Case No.-250 Year-2017 Thana- SULTANGANJ District- Patna

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RUPESH KUMAR Son of Ashok Prasad Resident of village - khajanchi
Road, Polandarpur, P.S- Pirbahore, Dist.-Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Mohan Kateryar

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-02-2019 Heard both sides.

The petitioner apprehends his arrest in Sultanganj
P.S. case No. 250 of 2017 registered under Section 30(a)/34(a)
of the Bihar Prohibition & Excise Act.

The learned counsel for the petitioner submits that
one auto rickshaw was intercepted from which 160 liters of
toddy was recovered. It is submitted that auto rickshaw fled
away but the driver of the auto rickshaw and owner were made
accused in the case. The petitioner is not owner of the auto
rickshaw. The petitioner had talked to purchase the auto
rickshaw but possession of auto rickshaw was not handed over
to the petitioner by the owner. The owner book still stands in the
name of owner of auto rickshaw and the same was not
transferred in favour of the petitioner. The name of petitioner



figured in the case during the course of investigation on the disclosure made by the owner of auto rickshaw that he had already sold the auto rickshaw to the petitioner.

Considering the facts that petitioner had not purchased the auto rickshaw and the owner book still stands in the name of registered owner, the petitioner, above named, in the event of his arrest or surrender before the learned 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 Special Judge, Excise Act, Patna in connection with Sultanganj P.S. case No. 250 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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