

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15899 of 2019

Arising Out of PS. Case No.-284 Year-2018 Thana- BALIYA District- Begusarai

Narendra Kumar Singh @ Narendra Kumar, Son of Udit Narayan Singh R/o
Mohalla- Lohiya Nagar, P.S.- Nagar, District- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandan Kumar Kashyap

For the Opposite Party/s : Mr.Indra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 11-07-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Ballia P.S. Case no. 284 of 2018, registered under
Sections 30(a), 32 and 41(1) of the Bihar Prohibition and
Excise Act.

Accusation is that on receiving the secret
information about carrying of illicit liquor loading on vehicle
by Chandan Singh, Rohit Singh, Bhola Mahto and Chhotu
Singh. The informant and other Police personnel proceeded for
Masudanpur, where a truck, Bolero and motorcycle were seen
near the brick kiln. On search of truck bearing registration No.
UP14AT-7919, 63336 bottles, each containing 180 ML, 3864
bottles, each containing 375 ML and 588 bottles, each



containing 750 ML India made foreign liquor recovered. On search of motorcycle bearing registration No. BR34A-3717, two cartons containing 40 bottles, each containing 180 ML India made foreign liquor recovered. On Search of Bolero vehicle bearing registration No. BR9H-8217, six cartons containing 72 bottles, each containing 750 ML India made foreign liquor recovered.

Learned counsel for the petitioner submits that, in fact, petitioner was the owner of Bolero bearing registration No. BR9H-8217 from which 72 bottles of India made foreign liquor is said to be recovered, but the petitioner had sold the said Bolero in the year 2013 to Sudhir Kumar @ Bambam, son of Sri Giridhar Prasad, Resident of village-Khamhar, P.S. Muffasil, District-Begusarai by executing an agreement dated 11.11.2013 on consideration amount of Rs. 5,35,000/-, out of which Rs. 2,10,000/- was paid at the time of agreement by the said Sudhir Kumar and agreement was written with further condition that remaining amount will be paid in monthly installment of Rs. 11210/- but due to non-payment of consideration amount, the registration of the vehicle could not be transferred in the name of Sudhir Kumar @ Bambam as such the petitioner was not in possession of the said vehicle at



the time of occurrence and he had no knowledge about carrying of the said liquor. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Ballia P.S. Case No. 284 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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