

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17239 of 2019

Arising Out of PS. Case No.-21 Year-2017 Thana- GOVINDPUR District- Nawada

MAHESH PRASAD SHARMA aged about 68 years (male), Son of Alakhdeo
Sharma Resident of Village - Asarhi, P.S.- Muffasil, District - Nawada
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra

For the Opposite Party/s : Mr.Arbind Kumar Pandey (App)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-03-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Govindpur P.S. Case No. 21/2017 registered under Sections 30(a) of the Bihar Prohibition & Excise Act, 2016.

Learned counsel for the petitioner submits that the Bolero Vehicle from which the illegal wine has been recovered was intercepted by police on 09.03.2017 near Mahawra Mazar. According to the F.I.R. two persons who were sitting in the vehicle were Bhola Chouhan and Sonu who were arrested by the police and the vehicle was seized. It is submitted that over the period of three months the name of this petitioner has been involved in this case alleging that he happens to be the owner of the Bolero Vehicle.



The submission of learned counsel is that this petitioner is a retired government employee presently residing in the State of Jharkhand. It is submitted that the vehicle was sold to one Vivek Kumar Sinha whose maternal grand father had signed on the affidavit sworn by this petitioner on 30.06.2016. It is submitted that Annexure-2 is the copy of the affidavit which has stamp duty in the date of 30.06.2016. It is stated therein that the vehicle was sold to Vivek Kumar Sinha for a sum of Rs. 2 lakhs.

Learned counsel submits that the petitioner has no criminal antecedent and apparently he was not there in the vehicle when it was intercepted by the police. The two persons whose names have been disclosed in the F.I.R. and were arrested had also not named this petitioner. This according to learned counsel for the petitioner has come in course of investigation.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of the petitioner on the strength of Annexure-2 that he had sold the vehicle to one Vivek Kumar Sinha but the name of the registered owner could not be changed and that he was not present in the vehicle when it was



intercepted, as also his name has transpired in this case after three months and he has no criminal antecedent, in the event of his arrest/surrender before the court below within a period of four weeks, let the above-named petitioner be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Nawada, in connection with Govindpur P.S. Case No. 21 of 2017, subject to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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