

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21025 of 2019

Arising Out of PS. Case No.-159 Year-2018 Thana- JHANJHARPUR District- Madhubani

ROHIT KUMAR Son of Ram Narayan Yadav Resident of Village - Antari,
P.S.- Laukahi, District – Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Opposite Party/s : Mr.Pushpa Sinha

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 21-06-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Jhanjharpur P.S. Case No. 159 of 2018, registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30 (a) of Bihar Prohibition and Excise Act 2016.

226.800 liters Nepali liquor is said to have been recovered from the Maruti Zen car. The documents seized from the said vehicle indicates that the vehicle was belonging to one Tanveer Alam who later on sold it out to the petitioner on 15.08.2018.

It is submitted by learned counsel for the petitioner



that no such occurrence as alleged ever took place. Petitioner has no concern with the aforesaid occurrence. No incriminating article has been recovered from conscious physical possession of the petitioner. He has no concern with the aforesaid seized liquor. Petitioner had purchased the aforesaid vehicle earlier from Tanveer Alam on 15.8.2018 but he sold out the said vehicle to Sri Pappu Sah on 17.11.2018 vide annexure 2 and after selling of the said vehicle he has no concern with the aforesaid vehicle at all, hence no case under Excise Act is made out against the petitioner.

The learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge II-cum-Special Judge Excise, Madhubani in connection with Jhanharpur P.S. Case No. 159 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. Learned lower Court is directed to accept



the bail bond of the petitioner after verification of the aforesaid case of petitioner regarding selling out of vehicle by him to Pappu Sah and finding it true.

(Prakash Chandra Jaiswal, J)

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