

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27261 of 2019

Arising Out of PS. Case No.-709 Year-2018 Thana- TURKAULIYA District- East
Champaran

BAIJU PRASAD Son of Raghuveer Prasad, Resident of Village-Chhapwa
Fulwariya, Ojha Tola, Police Station-Sugauli, District-East Champaran.
... .. Petitioner.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar
For the Opposite Party/s : Mr. Tapeswar Sharma

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

ORAL ORDER

3 26-07-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 272 &
273/34 of the Indian Penal Code and Section 30 (a), 38 (i) & 41
(I) of the Bihar Prohibition and Excise Act, 2016.

1200 liters of spirit is said to have been recovered
from the pick-up van and its driver, namely, Umesh Prasad was
apprehended while other managed to escape. Driver disclosed
the name of the petitioner to be owner of the said pick-up van.

It is submitted by learned counsel for the
petitioner that no incriminating article has been recovered from
the conscious physical possession of the petitioner. He has no



concern either with the seized spirit or with the pick-up van in question. Learned counsel for the petitioner by filing sale letter etc. submitted that earlier the vehicle was hailing to him but on 16.10.2018 i.e. preceding to the occurrence, he sold it to the said Umesh Prasad in Rs.3,70,000/- and now he has no concern with the aforesaid vehicle or the said Umesh Prasad. The said Umesh Prasad had filed a petition for release of the said vehicle before the learned lower Court which has been rejected. Petitioner was not apprehended on the spot. No offence under the Excise Act is made out against the petitioner. He has no criminal antecedent. Other co-accused persons namely, Krishna Yadav and others have been enlarged on bail by a co-ordinate bench of this Court vide order dated 22.05.2019 passed in Cr. Misc. No. 15515 of 2019.

Learned APP for the State opposed the bail petition.

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 six 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 learned 7th Additional



Sessions Judge-cum-Special Judge Excise, East Champaran at
Motihari in connection with Turkauliya P.S. Case No. 709 of
2018, subject to the condition as laid down under Section 438
(2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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