

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39957 of 2019

Arising Out of PS. Case No.-21 Year-2019 Thana- KUTUMBA District- Aurangabad

RAM JATAN PASWAN @ RAM JATAN PRASAD Son of Shiv Prasad
Paswan Resident of Village- Kathri Tola, P.S.- Kutumba, District-
Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Advocaet.

For the Opposite Party/s : Mr. Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-06-2019 Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with
Kutumba P.S.Case No. 21 of 2019 registered under Sections
30(a) and 37(c) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

Allegation against the petitioner is that motor cycle
owned by the petitioner was intercepted by the police and one
Ashok Paswan was apprehended. On search, 10 litres of country
made liquor was recovered from the dickey of the motorcycle.

Submission of learned counsel for the petitioner is that
occurrence has taken place on 31.01.02019 whereas petitioner
had already sold his motorcycle in question to one Om Prakash
Paswan on 09.01.2017 as such petitioner is not responsible for
the act committed by another person or his accomplice. Learned



counsel refers to Annexure-2 in order to show that motorcycle in question was sold by a sale letter which was duly affidavited on 09.01.2017 signed by all the parties along with witnesses.

After having heard learned counsel for the petitioner and learned counsel for the State and from perusal of the Annexure-2, I am satisfied that motorcycle in question was sold prior to the occurrence as such no *prima facie* case is made out against the petitioner.

Accordingly, let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VII-cum-Special Judge, Excise, Aurangabad in connection with Kutumba P.S. Case No. 21 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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