

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54120 of 2019

Arising Out of PS. Case No.-80 Year-2018 Thana- MADANPUR District- Aurangabad

Umesh Sao Son of Late Kuldip Sao Resident of Maharajganj, P.S.- Kutumba,
District - Aurangabad, at present resident of Village - Kataiya, P.S.-
Hariharganj, District - Palamu (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 28-08-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in connection with Madanpur P.S. Case No.80 of 2018, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Earlier prayer for anticipatory bail to the petitioner was refused on 07.12.2018 in Cr. Misc. No.64139 of 2018 for the reason that 190 liters of country-made liquor was allegedly recovered from the four wheeler of the petitioner and the driver had fled away from the spot. This Court was of the view that the petitioner cannot avoid vicarious liability in view of the provisions under the Bihar Prohibition and Excise Act, 2016.



Submission is that the petitioner had already sold the said vehicle on 12.10.2015 to one Upendra Singh son of Shiv Kumar Singh, resident of village Raxel Tendua, P.S. Hariharganj, District- Palamu. Upendra Singh did not take any step for substitution of his name in the owner book; rather he sold the vehicle to one Sikandar Paswan son of Madan Paswan and Sikandar Paswan also sold to Amitesh Kumar.

The manner of sale is not recognized under the law.

Hence, there is no reason to review the earlier order and the prayer for anticipatory bail is refused.

However, it is made clear that in the event of surrender of the petitioner, the prayer for regular bail shall be confirmed without being prejudiced by this order and considering the veracity of claim of the petitioner that he has already sold the vehicle to some other person.

(Birendra Kumar, J)

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