

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 60526 of 2019

Arising Out of PS. Case No.-12 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

GUDDU KUMAR, Son of Anil Rai @ Anil Kumar Resident of Village-
Murtujapur, P.S.- Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha

For the Opposite Party/s : Mr. Md. Fahimuddin

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 26-09-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Hajipur Sadar P.S. Case no. 12 of 2019, registered under Section 414/34 of the Indian Penal Code, Section 30(a) of the Bihar Excise Act and Section 25(1-B)A, 26 and 35 of the Arms Act.

The accusation is that in course of patrolling duty, informant and other Police personnel received secret information about unloading of liquor in Village-Panapur at the house of Naresh Sharma then informant and other Police personnel reached there and saw, in the light of electric bulb four wheeler vehicles and motorcycles parked there, where 8 to 10 persons were present. On seeing the Police party, they



started fleeing, while on chase, one person was apprehended, who disclosed his name Naresh Sharma. On search of Bolero Pick up van, which was without registration number, 45 cartons, each containing 12 bottles of 750 ML, from the Celerio vehicle bearing Reg. No. BR31AA-8607, five cartons each containing 12 bottles of 750 ML and from a motorcycle, 12 bottles, each containing 750 ML and from another motorcycle, 12 bottles, each containing 750 ML Indian made foreign liquor recovered. On search of house of Naresh Sharma, 48 Cartons, each containing 12 bottles of 750 ML and in the stair room 152 cartons, each containing 24 bottles of 375 ML and 151 cartons each containing 48 bottles of 180 ML Indian made foreign liquor recovered.

Learned counsel for the petitioner submits that, in fact, petitioner is the owner of Bolero pick up van, which is said to be parked at the door of the Naresh Sharma loaded with 45 cartons, each containing 12 bottles of 750 ML. In fact, the petitioner purchased the said Bolero pick up van on 07.01.2019 from Chandamama Motors, Hajipur, Vaishali and the same was sent by the petitioner at the garriage of Naresh Sharma, who is running the shop of making the body of the vehicle in the name of Naresh Auto Patti Centre and Body Builders at Hajipur, but



co-accused Naresh Mahto used the new Bolero pick up van in carrying liquor without knowledge of the petitioner. The petitioner has no criminal antecedent.

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 four 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 Addl. Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 12 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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