

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57980 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- NARALI KALA KHURD District-
Aurangabad

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VIVEK KARIVAL S/o Bimal Kumar Kariwal R/o Orbit Regency, Flat- 1B,
29A, Ballygunge Park, P.S. Ballygunge, District- Kolkata (West Bengal).
... .. Petitioner/s

Versus

The State of Bihar..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh
For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-09-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for anticipatory bail arises out of
Narari Kala Khurd P.S. Case No. 05 of 2019, disclosing the
offence under Sections 30 (a) of the Bihar Excise Act, 2016.

The police are said to have recovered huge quantity of
the illicit liquor in a vehicle. The petitioner has been implicated
only on the basis of being registered owner of the said vehicle.
The petitioner is resident of West Bengal.

It is stated by the learned counsel for the petitioner
that the car seized by the police was sold by the petitioner long
back in the year 2016 in the name of Santosh Kumar Akela.
Copy of Form 29 No. c under Rule 55 (1) in support of transfer
of the vehicle has been brought on record by way of annexure-4
to the application. It has also been contended that the petitioner
is no more registered owner of the vehicle after, after the same



having been sold out.

Considering the above, I find substance in the submission made on behalf of the petitioner that in the above background that no offence under the provisions of Excise Act can be said to be made out against the petitioner and therefore, bar under Section 76 (2) shall have no application.

Considering the above, this application is allowed. Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand), 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 Narari Kala Khurd P.S Case No. 05 of 2019, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/ Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bounds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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