

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67795 of 2018

Arising Out of PS. Case No.-738 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Ram Vinay Chaudhary, son of Late Kedar Chaudhary alias Late Kedar Chaudhari, resident of village-Parsurampur, Police Station-Sonbarsa, District-Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Smt. Sucheta Yadav, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 28-02-2019 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Case No.C2/738/17 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, pending in the court of the Additional Sessions Judge-II-cum-Special Judge, Sitamarhi, District-Sitamarhi.

The accusation is that in course of patrolling duty, one Scorpio vehicle bearing Registration No.BR-30P-2080 was intercepted but the driver succeeded to flee away, jumping from the Scorpio vehicle. On search of the Scorpio vehicle, 660 bottles, each containing 300 ml. Nepali Soufi, were recovered. On search of the aforesaid Scorpio vehicle, the registration paper of the Scorpio vehicle was found, which was in the name of the petitioner.



Learned counsel appearing on behalf of the petitioner submits that, in fact, the petitioner was the owner of the seized Scorpio vehicle but the said Scorpio vehicle was sold by the petitioner to one Asutosh Anand on 12.09.2014 and the petitioner had signed on all the relevant papers for transfer of the vehicle and the sale deed was also executed but, unfortunately, registration paper could not be get transferred by Asutosh Anand in his favour. After knowing about the present occurrence, the petitioner filed Complaint Case No.14 of 2018 in the court of the Chief Judicial Magistrate, Sitamarhi, on 14.01.2018, on which basis the F.I.R. bearing Parsurampur P.S. Case No.6 of 2018 was lodged on 17.01.2018.

Having considered the facts and the circumstances of the case and the nature of allegation, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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