

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4685 of 2020

Arising Out of PS. Case No.-152 Year-2018 Thana- PIYAR District- Muzaffarpur

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JAGDISH CHANDAR @ JAGDISH CHANDER HOODA @ JAGDISH Son
of Sultan Singh Resident of Mohalla - H. No. 94/9 Vasant Vihar Colony,
Rohtak, P.S.- Rohtak, District - Rohtak, Haryana.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Nitu Kumari, Adv.

For the Opposite Party/s : Ms. Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 29-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 272 and 273, 414 of the I.P.C. and Sections 30(a), 35(a), 38, 41 of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.

It is alleged that from a Tata Tiago car without



registration number plate, total 69.360 litres of Indian Made Foreign Liquor were recovered. The petitioner is alleged to be the owner of the vehicle in question.

It is submitted by learned counsel for the petitioner that at the time of alleged seizure, the petitioner was not present in the car, hence, the said recovery cannot be said to be made from the conscious physical possession of the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that since the petitioner is the registered owner of the vehicle in question on the date of seizure, hence, the anticipatory bail application is not maintainable.

Considering the fact that the petitioner is the registered owner of the vehicle in question on the alleged date of seizure, this Court is not inclined to release him on anticipatory bail.

Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned Court below within a period of six weeks in connection with Piar (Hatha O.P.) P.S. Case No. 152 of 2018, pending before the learned Special Judge (Excise), Muzaffarpur.



With the above observation, this application is,
accordingly, disposed of.

(Dinesh Kumar Singh, J)

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