

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6018 of 2020

Arising Out of PS. Case No.-860 Year-2019 Thana- NAWADA District- Nawada

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RITESH KUMAR SINGH Son of Sri Gopal Kumar Singh Resident of Baghitar, P.S.-Kodarma, District-Kodarma (Jharkhand), at present posted as Branch Manager Axis Bank, Barhi Branch, Kalawati Market, Gaya Road Barhi, P.S-Barhi, District-Hazaribagh (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 11-06-2020 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Nagar (Bundelkhand O.P.) P.S. Case No. 860 of 2019, disclosing offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Petitioner is admittedly the registered owner of the Indigo vehicle from which the police recovered 245 litres of spirit.

Learned counsel appearing on behalf of the petitioner has made two submissions. He has submitted that the vehicle was being driven by someone else and the petitioner has been implicated only on the basis that he was the registered owner of the vehicle. Secondly, he has drawn my attention to a document



in the nature of sale agreement, whereby the petitioner claims to have sold the said vehicle in favour of one Krishna Paswan for a sum of Rs. 1,15,000=00 on 10.01.2019 itself. He has submitted that the petitioner, thus, was not the real owner of the vehicle on the date of occurrence.

I have perused Annexure-2 which has been described to be a copy of the sale agreement. It does not disclose the manner in which the petitioner had received the consideration amount of Rs. 1,15,000=00.

In any view of the matter, there being bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, this application for anticipatory bail cannot be maintained.

This application is accordingly dismissed as not maintainable.

However, the petitioner is directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

(Chakradhari Sharan Singh, J)

Rajesh/-

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