

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9498 of 2020

Arising Out of PS. Case No.-171 Year-2017 Thana- SINGHWARA District- Darbhanga

VIJAY KUMAR SRIVASTAVA @ VIJAY KUMAR SHRIVASTAVA Son of
Late Ishwar Narayan Shrivastava Resident of Village - Kailashpuri, P.S.-
Dumra, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Manoj

For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Singhwara Police Station Case No. 171 of 2017, disclosing offence under Sections 272/273/279/353/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act'). The petitioner is not named in the First Information Report.

The prosecution case, in brief, is that the police intercepted one Tata Indigo car and recovered 133.56 litres of illicit liquor from the same. The name of the petitioner has transpired on the basis of the fact that he is the owner of the seized vehicle.



Learned Counsel for the petitioner submits that the petitioner has merely been implicated in this case on the basis of the fact that he is the owner of the seized vehicle, but he submits that from perusal of Annexure-2 series, it would be evident that the vehicle in question was already sold by the petitioner in favour of one Santosh Kumar on 12.09.2017 and challan for the transfer of the ownership of the said vehicle was submitted by the purchaser Santosh Kumar on 21.09.2017, which would be evident from the receipt issued by the D.T.O., Muzaffarpur. He further submits that the present First Information Report has been lodged on 23.09.2017. He, referring to Annexure-3 series, submits that confiscation proceeding has been initiated against Santosh Kumar, i.e. purchaser, on the basis that he was the owner of the vehicle in question.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that prior to the date of occurrence, the petitioner had sold the vehicle in question in favour of Santosh Kumar and confiscation proceeding has been initiated by the District Magistrate, Darbhanga against said Santosh Kumar on the basis of the fact that he is the owner of the vehicle in question, I am inclined to grant the petitioner privilege of anticipatory bail.



This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Darbhanga, in connection with Singhwara Police Station Case No. 171 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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