

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 11309 of 2020

Shishu Kumar S/o Surendra Sharma R/o village-Kairwa, Saho Bigha, P.S.-Ghosi,
District-Jehanabad.

..... Petitioner

Versus

The State of Bihar

..... Opposite party

Appearance

For the Petitioner : Mr.Manoj Kumar, Advocate

For the State : Mr, Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 03.09.2020 Heard learned counsel for the petitioner and learned A.P.P
for the State through video conferencing.

The instant application for anticipatory bail has been filed
by the petitioner apprehending his arrest in connection with
Tajpur P.S. Case No.426 of 2019, registered under sections 30(a)
and 41(i)(ii) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the F.I.R, on the truck in question
being stopped for checking, it is stated that the driver jumped
from the truck and managed to escape. On search, a total of 328



cartoons of IMFL were recovered from the truck of which the registered owner is the petitioner.

It is submitted by learned counsel for the petitioner that he has been falsely implicated in the case only for the reason that he happens to be the earlier registered owner. It is submitted that the petitioner had sold and handed over the truck to one Dharmendra Kumar son of Rajdeo Rai and the same is evidenced from the document brought on record as Annexure-2. Ever since the date of sale he has neither any connection with the truck nor with the alleged recovered article. The petitioner has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and on going through the materials that has come in course of investigation, in view of the fact that a total of 2908.8 litres of IMFL packed in 328 cartoons was recovered from the truck of which the petitioner happens to be the registered owner, the Court is not inclined to enlarge the petitioner on anticipatory bail and as such his application for anticipatory bail is rejected.

However, taking into consideration the submissions made on behalf of the petitioner about the petitioner having sold the



truck prior to the date of seizure, in case the petitioner surrenders within a period of six weeks, the Court below shall consider the application without being prejudiced by this order of rejection.

(Partha Sarthy, J)

Bibhash

U		T	
---	--	---	--

