

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59051 of 2019

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 @ Late Kedar
Cahudhari Resident of Village - Parsurampur, P.S.- Sonbarsa, District-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Amrit Abhijat, Advocate Mr. Manoj Kumar Gupta, Advocate, Mr. Ghanshyam, Advocate
For the Opposite Party/s :		Mr. Raj Ballabh Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 29-01-2020 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with C2/738 of 2017, registered under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

The accusation is that in course of patrolling duty,
one Scorpio bearing its registration No. BR-30P-2080 was
intercepted, but the driver of the Scorpio succeeded to escape
jumping from the said vehicle. On search, 660 bottles, each
containing 300 ML Nepali soufi recovered. The registration
paper of the Scorpio vehicle was also found in which the name
of the petitioner was shown as owner of the vehicle.

Learned counsel for the petitioner submits that, in



fact, the petitioner was the owner of the vehicle, which detailed has been given in the F.I.R. but petitioner sold the said Scorpio bearing registration No. BR-30P-2080 on 12.09.2014 to Ashutosh Anand, son of Anil Kumar Ram, resident of village – Rajopatti, P.S. Sitamarhi, District – Sitamarhi on taking consideration amount of Rs. 6,15,000/- and at that time sale deed was also executed, which would appear from Annexure-3. Further submission is that in the balance-sheet submitted by M/s. Choudhary Loha Agency of which the petitioner is the proprietor, the sale amount of Rs. 6,15,000/- was also shown, which would appear from Annexure-5 and that was also annexed with the Income Tax department, which would appear from Annexure-9 of the supplementary affidavit. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the 2nd Additional Sessions Judge-cum-Special Judge, Excise, Sitamarhi in connection with Case No. C2/738 of 2017, subject to the condition as laid down



under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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