

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78103 of 2019

Arising Out of PS. Case No.-54 Year-2019 Thana- RISIYAP District- Aurangabad

KAMLESH YADAV, aged about 40 years, Male, S/O Sukhdeo Yadav, R/o
Village - Dhanhara, P.S. - Jamhore, District – Aurangabad

... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : M/s Bachanjee Ojha & Binod Kumar Pandey, Advs.

For the Opposite Party : Mr. Sanjay Kumar, APP

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

ORAL ORDER

2 08-01-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Risiup P.S. Case No. 54 of 2019, pending in the Court of the
Additional District Judge VII-cum-Special Judge, Excise,
Aurangabad, registered under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The accusation is that in course of checking of vehicle
one pick-up van, bearing registration no. BR-02W-4542, was
searched from which 198 pouches, each containing 200 ml
country made liquor recovered. At that time, one Maruti
Suzuki, bearing registration no. JH-14A-0418, was also
searched, from which 577 pouches, each containing 200 ml
country made liquor recovered.

Submission is that it would appear from the first



information report that the petitioner, who is later on identified as owner of the Maruti Suzuki, bearing registration no. JH-14A-0418, but, this petitioner has sold the said vehicle on 11.09.2019 to Putul Ranjan Kumar, regarding which he also sworn an affidavit before the Notary, Aurangabad, which would appear from Annexure 2, as such, the petitioner was not the real owner of the said vehicle at the time of seizure and search.

Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of pre-arrest bail to the petitioner. The prayer for pre-arrest bail is **rejected**. The petitioner is directed to surrender before the Court below and seek regular bail, which will be considered on its own merit and without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

Shamshad/-

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

