

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13766 of 2020

Arising Out of PS. Case No.-95 Year-2019 Thana- DAGARUA District- Purnia

Afsar Ali, aged about 32 years, Male, S/o Mansoor Alam R/o village- Bara Chakia, P.S.- Chakia, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.

Mr. Lakshmi Kant Sharma, Adv.

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 15-01-2021 Heard Mr. Ramakant Sharma, learned senior counsel appearing on behalf of the petitioner and Mr. Ramesh Chandra, APP, representing the State.

In this case, the petitioner is apprehending his arrest in connection with Dagaru P.S. Case No. 95 of 2019 registered for offences under sections 272, 273 of the Indian Penal Code and Section 30(a), 41 and 47 of the Bihar Prohibition and Excise Act, 2016.

A supplementary affidavit has been filed on behalf of the petitioner mentioning that he has already sold the car to one Vikash Kumar Kesari and has also handed over all the documents/paper relating to the said car to him. He has further stated that the petitioner will not make any claim of ownership



on the car in future in any proceeding including confiscation proceeding and again undertakes that he will not raise any objection if the car is confiscated.

Learned counsel for the petitioner submits that the car from which huge quantity of illegal liquor were recovered was followed by a truck from which huge quantity of liquor have also been recovered. He further submits that the petitioner has not concern with the liquor laden on the truck or car but, being the registered owner of the car, on suspicion, he has been made accused in the present case. He further submits that in the entire case diary, the name of the petitioner has not transpired rather the police has found that the owner of the car is also involved in the crime and, has falsely implicated the petitioner in this case. He further submits that the petitioner is not the owner of the car though the registration of the car is standing in his name.

Looking to the entire facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 District and Sessions Judge cum Special Excise Judge, Purnea in connection



with Dagarua P.S. Case No. 95 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioner for investigation/interrogation, he will remain present and if he would not present himself, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

(Shivaji Pandey, J)

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