

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37330 of 2020

Arising Out of PS. Case No.-41 Year-2019 Thana- BITHAN BAZAR District- Samastipur

Rahul Kumar, S/o Kamal Narayan Singh, R/o Village- Pahsara, P.S.-
Nawkothe, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1, Advocate.

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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

ORAL ORDER

2 02-07-2021 As prayed for, let the learned counsel appearing for the petitioner remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. appearing for the State through Video Conferencing.

The petitioner apprehends his arrest in connection with Bithan P.S. Case No. 41 of 2019, registered under Sections 30(a) and 32(c) of the Bihar Excise Act, 2016, pending in the court of learned Additional Sessions Judge-II-cum-Special Judge (Excise Act), Samastipur.

The accusation is that, on receiving secret



information about carrying the illicit liquor loading on motorcycle bearing registration no. BR34C 7442 and Bolero vehicle bearing registration no. BR9H 1696 at Bithan through Sahima, the informant along with other police personnel started checking of the vehicles. In course of checking, one motorcycle and a Bolero vehicle was seen. Thereafter, on giving signal to stop the motorcycle and Bolero vehicle, the persons sitting on the motorcycle and Bolero vehicle started to flee away but on chased, two persons were apprehended, while driver of the Bolero vehicle succeeded to flee away. On query, the apprehended persons disclosed their names as Gautam Kumar and Rajendra Mukhiya. On search of Bolero vehicle, 180 bottles, each containing 750 ml and 306 bottles each containing 180 ml Indian made foreign liquor recovered. On query, Gautam Kumar, who was caught hold with Rajendra Mukhiya, disclosed that Ajay Sah @ Abhay Sah of village Makathan, P.S. Allauli, used to carry the illicit liquor with the help of Rajendra Mukhiya, who used to sell in the locality and Ajay Sah used to manage the vehicle for carrying the illicit liquor.

Learned counsel for the petitioner submits that petitioner is not named in the FIR but in course of investigation, it has come that the seized Bolero vehicle is belonging to the



petitioner, in fact, petitioner sold the said Bolero vehicle on 15.07.2017 to one Dinesh Mahto and put his signature on the sell later and the affidavit was sworn by petitioner and Dinesh Mahto, which would appear from annexure 2 to the supplementary affidavit but unfortunately, Dinesh Mahto could not manage to transfer the owner book in his name. Further submission is that petitioner has no criminal antecedent.

Taking into consideration the huge quantity of illicit liquor from the alleged vehicle, which is in the name of the petitioner, I am not inclined to grant anticipatory bail him. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial court within three weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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