

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38955 of 2020

Arising Out of PS. Case No.-46 Year-2019 Thana- SIWAIPATTI District- Muzaffarpur

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Mohammad Taufik @ Md. Taufik, Son of Mohammad Shoaib, Resident of
Village - Turkauliya, Kamalpura, P.S.- Saraiya, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Advocate.

For the Opposite Party/s : Mr. Arun Kumar, APP

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

ORAL ORDER

2 12-07-2021 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. for the State through Video Conferencing.

The petitioner apprehends his arrest in connection
with Siwaipatti P.S. Case No. 46 of 2019, registered under
Sections 372, 373 and 120B/34 of the Indian Penal Code.

The accusation is that on receiving secret
information about unloading of illicit liquor in the Plywood
Factory of Lalit Kumar of village Ghosaut, the informant along
with other police personnel reached there. On seeing the police



party, the persons, indulged in business of illicit liquor, started to flee away, while they were chased, but succeeded to flee away. On query, the villagers disclosed that in the preceding nights, Lalit Kumar, Sujit Kumar, Dilip Kumar Sanjeev Kumar, all sons of Ram Pravesh Kunwar with the help of Arbind Kumar are running the Plywood factory in the partnership of Arbind Kumar. On entering the campus of Plywood factory, informant and other police personnel seized three vehicles. On search of vehicle bearing registration no. BR06GC 8367, 82 cartoons containing 984 bottles of 750 ml were recovered and from Maruti Sujiki bearing registration no. BR01CD 9292, 11 cartoons containing 264 bottles of 375 ml and Bolero vehicle bearing registration no. JH05N 6311, seven cartoons containing 84 bottles of 750 ml, 11 bottles of 180 ml, one cartoon containing 48 bottles of 375 ml and one cartoon containing 24 bottles of 180 ml Indian made foreign liquor were recovered.

Learned counsel for the petitioner submits that, in fact, petitioner is the owner of Bolero vehicle bearing registration no. Jh 05N 6311, from which, several bottles of Indian made foreign liquor are said to be recovered but his vehicle was stolen on 18/19.03.2019, regarding which, Paroo P.S. Case No. 109 of 2019 was instituted by the petitioner on



19.03.2021 under Section 379 of the Indian Penal Code, thereafter, his Bolero vehicle was recovered from the campus of Plywood factory on 05.04.2019, as detailed in the FIR. Further submission is that petitioner had no knowledge that after theft, his Bolero vehicle was being used in carrying of illicit liquor. Further submission is that 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 six 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 learned Special Judge Excise Act, Muzaffarpur, in connection with Siwaipatti P.S. Case No. 46 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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