

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21829 of 2022

Arising Out of PS. Case No.-159 Year-2021 Thana- ISHAKCHAK District- Bhagalpur

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RUPESH KUMAR S/o Bashisth Prasad Choudhary R/o village- Bijay Nagar,
P.S.- Banka, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 06-05-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Ishakchak P.S. Case No. 159/2021 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

Paragraph No. 7 of the petition reads as follows:

“In fact, petitioner was the initial owner of the seized scooty in question, but he petitioner had sold the said scooty in question of one Md. Manzoor Alam son of Md. Mehdi Hassan, aged about 53 years resident of



village Baisa, P.O. Bindi, Ward No. 2, District Banka on 20.07.2020 and since then petitioner has got no concern with the seized scooty in question.”

Considered the submission of the petitioner that he has already sold the scooty to one Md. Manzoor Alam and that was to be transferred in the name of Md. Manzoor Alam, but Md. Manzoor Alam did not get it transferred in his name and the scooty has been found to be used in liquor smuggling.

Accordingly, let the petitioner above named be released on bail till submission of chargesheet, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, 1st, Bhagalpur, in connection with Ishakchak P.S. Case No. 159 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The petitioner will join the investigation and produce the transfer documents before the Investigating Officer who will thereafter make investigation as to the ownership of the Scooty. Even if the petitioner is a registered owner and the police finds that the same was sold by the petitioner to Md. Manzoor Alam



in the year 2020, then the petitioner shall remain on anticipatory bail. If the documents produced by the petitioner are found to be forged and fabricated and the chargesheet is submitted against the petitioner then the petitioner will have to take legal remedies available to him.

With the aforesaid observations and directions, the application for anticipatory bail is allowed.

(Sandeep Kumar, J)

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