

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43804 of 2023

Arising Out of PS. Case No.-253 Year-2021 Thana- BISFI (PATAUNA) District- Madhubani

Dharmendra Chaudhary Son Of Vindeshwar Chaudhary Resident Of Village -
Jalley Paschimi, P.S. - Jalley, Distt. - Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Iqbal Asif Niazi

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable Sections 272, 273/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 659.52 liters of foreign liquor is said to have been recovered from the pick-up van. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. He submits that the petitioner being defaulter in depositing loan amount (EMI) to the Mahindra Finance Company during pandemic of



COVID-19 has sold his vehicle to Amit Kumar Yadav much prior to the said occurrence and to that effect an affidavit was also executed by the pruchaser Amit Kumar Yadav. He submits that petitioner handed over the vehicle to Amit Kr. Yadav after getting payment of consideration amount and shifted his all responsibility and liability of making payment of rest 44 EMI to the Finance Company but since payment of loan was still due, registration certificate has not been transferred in the name of vendee. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

4. 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.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Bisfi (Patauna) P.S. Case No. 253 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

devendra/-

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

(Anjani Kumar Sharan, J)

