

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50330 of 2023

Arising Out of PS. Case No.-26 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Laxmeshwar Kumar Yadav S/O Sri Janardan Yadav Resident Of Village-
Gang Vagitpur Ps- Bahadurpur District- Darbhanga. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Ashfaque Ahmad
For the Opposite Party/s : Mr. Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-08-2023 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 under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 80.28 liters of foreign liquor is said to have been recovered from the vehicle of the petitioner. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that the said vehicle bearing registration no.BR06P7829 was purchased by the petitioner in the year 2009. On 29.12.2014, the petitioner,



by submitting his original owner book with no dues certificate before the District Transport Officer, Muzaffarpur, sold it to one Ashok Yadav and the documents with regard to his submissions have already been annexed as Annexure-2 to this application. Hence, the petitioner has no liability with regard to the aforesaid vehicle. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

4. Having regard to the facts and circumstances of the case as well as the fact that the said vehicle has already been sold by the petitioner and now petitioner is not the owner of the aforesaid vehicle, 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 Prosecution Report No.26 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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