

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49365 of 2023**

Arising Out of PS. Case No.-113 Year-2022 Thana- FATEHPUR District- Gaya

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Ravi Ranjan Kumar Son of Late Yogendra Singh Resident of Village-  
Lakhibag, Police Station-Masaurhi, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shekhar Harshvardhan, Advocate

For the Opposite Party/s : Mr. Iftekhar Mahmood, APP

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      16-08-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Fatehpur P.S. Case No. 113 of 2022, registered on 07.03.2022, for the alleged offence under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

03. As per prosecution case, in a drive against illicit trade of liquor, a tempo was intercepted by the police and the co-accused Bajrangi Kumar was apprehended. From the tempo, 79.5 liters of India made foreign liquor was recovered. The petitioner is stated to be the owner of the said tempo.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner has been said to be the owner of the vehicle. The petitioner purchased this vehicle on 08.08.2016 and it was purchased after taking loan and it was hypothecated through Dakshin Bihar Gramin Bank. Thereafter, one Manish Bharti has purchased this vehicle on 01.12.2021 and has also sworn a Notarized Affidavit on the same day. Learned counsel further submits that when the burden of loan increased, the petitioner sold his vehicle but as the loan amount was not paid, so no transfer of name took place in the registration certificate of the vehicle for the new purchaser, though an agreement was prepared for the sale of the vehicle of the petitioner. Learned counsel further submits that after selling the vehicle, the petitioner has no concern with the vehicle or the liquor which was seized from the vehicle. Moreover, recovery has been shown from a tempo, which is not under the ownership of the petitioner and even not in possession of the petitioner.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that recovery has not been shown from the conscious possession of the petitioner and the tempo from which recovery



has been made, is stated to be sold to some other person and there appears possibility of false implication, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.1, Gaya/concerned court in connection with Fatehpur P.S. Case No. 113 of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

**(Arun Kumar Jha, J)**

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