

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64014 of 2023

Arising Out of PS. Case No.-143 Year-2023 Thana- BAHERI District- Darbhanga

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Dipak Kumar Jha Son Of Upendra Jha Resident Of Village - Habibhwar,
Police Station - Bahera, District – Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-10-2023 Heard Mr. Nilendu Kumar Choudhary, learned
counsel appearing on behalf of the petitioner and Mr. Anand
Kishore Choudhary, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Baheri P.S. Case No.143 of 2023 dated 08.05.2023
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Prosecution story, in brief, is that recovery of
118.320 liters of foreign liquor had been made from a Honda
City car bearing Registration No. DL-4CAH-6678.

4. Learned counsel appearing on behalf of the
petitioner submitted that the said car belonged to the petitioner
but he had sold the car to one Mukesh Thakur on 25.08.2020, in
accordance with law under Motor Vehicles Act and the said car

is presently not registered under his name.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, the District Transport Officer is directed to call for record within a week with respect to owner of the vehicle bearing Registration No. DL-4CAH-6678 before the District Court. In the meantime, no coercive action shall be taken against the petitioner. The District Court, after verification from the report if satisfied that the said vehicle had been transferred in the name of some other person, in accordance with law related to possession under Motor Vehicle Act. Then the petitioner is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-1(Excise Act), Darbhanga in connection with Baheri P.S. Case No.143 of 2023 dated 08.05.2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J.)

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