

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39608 of 2023

Arising Out of PS. Case No.-379 Year-2020 Thana- BIBHUTIPUR District- Samastipur

Lal Babu Mishra Son Of Rabindra Mishra Ward No-12, Chak Habib Ps-
Bibhutipur Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Kumar
For the Opposite Party/s : Mr.Kanhaiya Kishore

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 16-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act.

There is recovery of 2816.640 litres of Indian made foreign liquor from different vehicles. The petitioner was made accused in this case since he had filed an application for release of one of the seized vehicles namely Ertiga bearing Registration No. BR-31U-0528.



It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner was not apprehended from the spot. Nothing has been recovered from the conscious possession of the petitioner. It is further submitted that on the alleged date of occurrence, the petitioner was not the owner of the seized car as the transfer process of the vehicle in question was in process and the vehicle was not handed over to the petitioner and by taking the benefit of the transfer process, the previous owner used the present vehicle in the illicit trade of liquor. The petitioner had no knowledge about the said occurrence and after completion of the process of transfer, the petitioner came to know that vehicle in question was seized by the police and thereafter the petitioner, being owner of the said vehicle, filed confiscation case for release of Ertiga car bearing Registration No. BR-31U-0528. A statement has been made in para 3 of the petition that petitioner has no



criminal antecedent.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts aforesaid, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-I, Samastipur in connection with Bibhutipur P.S. Case No. 379 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

Shageer/-

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

