

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41646 of 2024

Arising Out of PS. Case No.-484 Year-2022 Thana- SARAIYA District- Muzaffarpur

Abhishek Ranjan S/O Sudhir Kumar Singh Resident Of Village - Repura
Rampur Bali, P.O. - Jaitpur, Police Station – Saraiya, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pratyush, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-07-2024 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 272, 273 and 34 of the I.P.C. read with Section 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. As per the prosecution case, one T.V.S. Scooty and Swift Dezire Car from where 34.56 litre and 190.08 litre wine have been recovered, which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the F.I.R. has been lodged on 06.07.2022, whereas the said Swift Dezire Car has been transferred in the name of the petitioner on 10.04.2023. He further submits that the petitioner is not named

in the F.I.R. He further submits that accused no. 3 of the said F.I.R. was the broker and he has taken relevant document from the petitioner for transfer of ownership, but actual position of the car has not been provided to him. Subsequently, the petitioner came to know that accused no. 3 has been arrested in liquor smuggling case and the vehicle which was supposed to be delivered to him was under the use of accused no. 3 for smuggling of liquor which has been seized. He further submits that ownership transfer was done in the name of petitioner and the Government of Bihar has issued registration certificate on 10.04.2023 in the name of petitioner. He further submits that the petitioner is not the first owner of the vehicle. Registration no. is already in the name of accused no. 3, but after nine months of the alleged occurrence, it was transferred in the name of the present petitioner and only due to this reason, police has made accused to the petitioner in the present case.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that the petitioner is not named in the F.I.R. but owner of the vehicle has been made accused.

6. In the present facts and circumstances of the case and the submissions made above, let the above named petitioner be released on bail, in the event of arrest or surrender before the

learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-II, Araria, in connection with Saraiya P.S. Case No. 484 of 2022, dated 06.07.2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J)

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