

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54210 of 2024

Arising Out of PS. Case No.-11 Year-2022 Thana- PHULWARISHARIF District- Patna

Dhirendra Kumar Singh Son of Late Siyaram Singh @ Siyara Singh R/O-
Village- Gaharpur Mahamanna, P.O.- P.S.- Tekari Barharia, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 31-08-2024 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Phulwarisarif PS case no. 11 of 2022, disclosing offences punishable under Section 414 of the Indian Penal Code and 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.
3. The prosecution story, as per the First Information Report, is that on 06.01.2022, during patrolling, the police intercepted a Sentro X-Zen car bearing registration no. BR-2L-3673 and recovered 71.25 liters of illicit liquor. The arrested person from the car disclosed his name as Munna Kumar Mahto.
4. Learned Counsel for the petitioner submits that



petitioner has been made accused in the present case without application of mind and on the basis of fact that earlier, petitioner was the owner of the Santro Car in question. Learned counsel further submits that the petitioner exchanged the seized Santro car with Maruti Suzuki Karlo Automobiles (P) Limited on 25.08.2021 and purchased a new Maruti S-Presso VXI+ from the said showroom. The document of exchange is annexed as Annexure-P/2. He next submits that the Maruti Automobiles has sold the car in question to one Rohit Kumar Pandey on 16.10.2021, which would be evident from delivery challan, annexed as Annexure-P/3.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that seized Santro car was exchanged by the petitioner from Maruti Suzuki through Karlo Automobiles (P) Limited and on the date of seizure of Santro Car, the petitioner was not its owner, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Patna in connection with Phulwarisarif PS case no. 11 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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