

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52782 of 2024

Arising Out of PS. Case No.-52 Year-2021 Thana- DAGARUA District- Purnia

Ajit Kumar S/o Vijay Prasad @ Bijay Prasad Singh R/o Mohalla- Nirankari
Gali, Chunapur Road, P.S.- K. Hat, Distt. - Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and the State.

2. Petitioner apprehends arrest in a case registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act.

3. As per prosecution case, 231.42 liters foreign liquor has been recovered from a Safari vehicle of this petitioner.

4. Learned counsel for the petitioner submits that since 2012 petitioner was *bona fide* owner of the vehicle in question but on 25.12.2020 petitioner sold the vehicle to co-accused Mukesh Kumar for which Sale Agreement dated 25.12.2020 was executed by petitioner in favour of Mukesh Kumar on the non-judicial stamp of Rs. 1000/- and after purchase, Mukesh Kumar applied in the concerned DTO for its



ownership. In February, 2022 his name was transferred as owner of the said vehicle which is evident from FORM-24 of DTO, Purnia (Annexure-P/3). As such, petitioner cannot be held responsible for the alleged offence. Petitioner has got no concern with the alleged recovery and he has got clean antecedent.

5. Considering the aforesaid facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Judge Excise-1, Purnia in connection with Dagarua P. S. Case No. 52 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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