

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59560 of 2024

Arising Out of PS. Case No.-81 Year-2023 Thana- INDUSTRIAL District- Bhagalpur

Sunil Kumar, S/o- Basudev Sah, R/o Village- Khapur, P.S.- Kishanpur
Ratwara, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 06-09-2024 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Industrial Area P.S. Case No. 81 of 2023 dated 26.04.2023
registered for the offence(s) punishable under Section(s)
30(a)/32(2) of Bihar Prohibition and Excise Act.

3. Mr. Md. Javed Jafar Khan, learned counsel
appearing for the petitioner submits that though, the petitioner is
a registered owner of the alleged Tata Magic vehicle, from
which the alleged liquor has been recovered but in fact he has
sold out the said vehicle on 13th March, 2023 by way of sale
agreement (Annexure-P/4) in favour of co-accused Sushil
Kumar and thereafter the transferee Sushil Kumar did not take
any attempt to get the sold vehicle registered in his name in the



registration paper at the Transport Vehicle Department and in this regard, the petitioner has also filed several other documents such as Form No. 29 along with affidavit sworn by co-accused Sushil Kumar and the same are sufficient to prove the sale of the alleged vehicle by the petitioner in favour of the co-accused Sushil Kumar. It is further submitted that the petitioner has fair and clean antecedent and has not remained involved in any criminal activity in the past and has been made accused only on the ground of the alleged vehicle being standing in his name in the registration paper and admittedly, he was not apprehended with the alleged vehicle as well as seized liquor.

4. Mr. Suresh Prasad Singh, learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly taking into account the petitioner's plea mentioned hereinabove as to the ownership of the alleged vehicle having been transferred by him in favour of co-accused Sushil Kumar prior to the recovery of the alleged liquor coupled with the privilege of regular bail having been granted to co-accused Sushil Kumar, who is alleged to have been arrested at the spot with the alleged vehicle, by this Court vide order passed in Cr. Misc. No. 40234/2023 and another co-accused, namely, Shyam Kumar @



Shyam Kumar Mahto, having been granted anticipatory bail by the learned co-ordinate bench of this court vide order passed in Cr. Misc. No. 64932 of 2023, in my opinion, the petitioner has made out a good case for grant of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Industrial Area P.S. Case No. 81 of 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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