

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59312 of 2024

Arising Out of PS. Case No.-34 Year-2023 Thana- SIKTI District- Araria

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Devdhar Mandal, aged about 41 years, male, Son of Dayanand Mandal, R/o
village - Thengapur, Satber Ward No.- 09, P.S.- Sikty, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-09-2024 Heard Mr. Kundan Kumar Singh, learned counsel

appearing on behalf of the petitioner and Mr. Narsingh Tanti,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Sikty P.S. Case No. 34 of 2023, registered for the offence
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act as amended up-to-date.

3. As per the allegation made in the FIR, a motorcycle
bearing Registration No. BR 38 T 8236, Engine No.
SA05EGK9G55197 and Chassis No. MBLJAW091K9G26578,
was found unattended near the house of one Suryanand Sutihaar



from which, altogether, 15 litres of Nepali illicit liquor was recovered. The alleged seized motorcycle is registered in the name of the petitioner.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. He further submitted that the motorcycle bearing Registration No. BR 38 T 8236, Engine No. SA05EGK9G55197 and Chassis No. MBLJAW091K9G26578 doesn't belong to him as he has already sold the same to one Yogendra Mandal, Son of Chulhari Mandal, Resident of Arabari, Tarauna, P.S. Tarabari, District-Araria, long back in the year 2020 and in support of the same, he has brought on record the affidavit duly sworn before the 'Notary Public' by way of 'Annexure-P/2 to the bail application' to establish his case that he is not connected in any manner with the alleged seized illicit liquor or the motorcycle. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State submitted that the very conduct of the petitioner in not getting his motorcycle transferred to the purchaser, namely, Yogendra Mandal, shows that in a very planned manner, he has involved himself in the



smuggling of illicit liquor. The affidavit (Annexure-P/2) is not supported by the requisite form in accordance with the provision of Motor Vehicle Act, 1988 as amended up-to-date that he has taken steps for transfer of the registration no. in the name of purchaser, namely, Yogendra Mandal. He further submitted that in the present case, this Court should not go by the quantity of illicit liquor, which has been seized. On these grounds, he submitted that the petitioner does not deserve to be released on pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the petitioner has admitted that he has sold the seized motorcycle bearing Registration No. BR 38 T 8236, Engine No. SA05EGK9G55197 and Chassis No. MBLJAW091K9G26578 on 03.09.2020 to one Yogendra Mandal but he has not given any information, as to whether, along with the said affidavit, he has applied before the District Transport Officer, Araria for getting it transferred in the name of the purchaser. The petitioner has not only committed offence under Excise Act, but, at the same time, he has violated the provision of Motor Vehicle Act, 1988, which has been ignored by the police officer, who has prepared the seizure of the said motorcycle. The petitioner has misled this Court by not



bringing the correct information relating to the vehicle, as such,
I am not inclined to enlarge the petitioner on pre-arrest bail.

7. Accordingly, the present bail application is
disposed of.

(Purnendu Singh, J)

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