

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60316 of 2023

Arising Out of PS. Case No.-80 Year-2023 Thana- RISIYAP District- Aurangabad

DEEPAK BAITHA @ DEEPAK KUMAR, aged about 25 years, Male, S/O
BINOD BAITHA, R/O VILLAGE- AAKUPA, PS. KUTUMBA, DIST.
AURANGABAD (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 27-02-2024 Heard Mr. Birendra Kumar Singh, learned counsel

appearing on behalf of the petitioner and Mr. Md. Matloob Rab

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Risiup P.S. Case No. 80 of 2023 dated 13.06.2023
registered for the offence(s) punishable under Sections 30(a) of
the Bihar Prohibition and Excise Act

3. As per the allegation made in the FIR, total
267.840 litres of foreign liquors were recovered from an Alto
car, having Registration No. JH10M4107, belonging to the
petitioner.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner has no concern with the



alleged liquor, as he was neither driving the car, nor he was apprehended on the spot or involved in any manner in illegal smuggling of liquor, which is banned in the State of Bihar. Learned counsel further submitted that initially the vehicle was registered in the name of the petitioner, but petitioner had sold the said vehicle to one Yogendra Paswan, who has also been made accused in the FIR.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, the petitioner has claimed himself to be innocent on the basis of statement that he had already sold the seized vehicle to one Yogendra Paswan and he is named in FIR, the petitioner is directed to submit the requisite form furnished before the District Transport Officer for transfer of the vehicle in the name of the concerned Yogendra Paswan.

7. In case, **valid documents in accordance with the provision of Motor Vehicle Act are submitted by the petitioner along with an affidavit to the said effect before the District Court within a period of four weeks**, the petitioner, above named, is directed to be released forthwith on pre-arrest bail, in the event of his arrest or surrender before the Court



below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Aurangabad, Bihar in connection with Risiup P.S. Case No.80 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. With the aforesaid observation/direction, the application stands disposed of.

(Purnendu Singh, J)

Sanjay/-

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