

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23299 of 2025

Arising Out of PS. Case No.-907 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

AJAY KUMAR PANDEY, Male, aged about 24 years, S/O SUSHIL KANT PANDEY @ SUSHILKANT PANDEY, R/O Vill.- Gorhan, P.S.- Bhabua, Dist.- Kaimur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-04-2025 Heard Mr. Ravi Shankar Pathak, learned counsel appearing on behalf of the petitioner and Mr. Aditya Narayan Singh.1, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Bhabua Excise P.S. Case No. 907 /2024 registered for the offence(s) punishable under Sections 30(a), 32(i) and (iii), 41(1) and (2) of the Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, 25.920 litres of illicit liquor was recovered from a motorcycle bearing Registration NO. UP 65 BS 0943.

4. Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner has surfaced in the present case as the vehicle in question, bearing Registration



No.UP 65 BS 0943, is registered in the name of the petitioner. He further submitted that the said vehicle was sold by the petitioner to one Ajay Kumar, Son of Jamuna Kahar on 05.04.2024 and thereafter steps were taken by the petitioner by submitting required Form 30 before the Registering Authority for transfer of ownership of his vehicle and to the said extent, specific statement has been made in paragraph no.9 of the bail application, accompanied by a letter of sale deed. Petitioner has clean antecedent.

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, as well as, the allegation made in the FIR, which is against unknown, it appears that the petitioner has been made accused because the vehicle in question is registered in his name, which was seized from one co-accused, namely, Pankaj Kumar Yadav. I find that the petitioner has given information in paragraph no.9 that petitioner has sold the vehicle to one Ajay Kumar and he has produced photostat copy of Form 30 which bears the signature of the petitioner as the transferor and one Ajay Kumar, son of Jamuna Kahar as transferee. Both the parties have signed on 05.04.2024. The FIR is dated 28.11.2024.



The illicit sale of liquor in the State of Bihar is rampant and it is not unknown that transportation of illicit liquor is done on the basis of fake registration number, engine number and chassis number. Time and again the report furnished by the District Transport Officer reveals that on the basis of registration number the vehicle is found to be registered in name of some other person, whereas on basis of engine number and chassis number of the said vehicle, it is found to be registered in a different name.

7. In view of the said, I find it proper to direct the District Transport Officer concerned to verify the ownership of the vehicle on the basis of registration number, engine number and chassis number, as well as, give information, as to whether, Form 30 has been submitted by the petitioner in his office and if it is found that the Form 30 has been submitted in his office then in that case, he must furnish a report before the concerned learned District Court, giving the details of the name of the person in whose name the vehicle bears the number of State of UP has been registered and whether the same has been transferred in the name of the Ajay Kumar after verifying from the records.

8. The learned District Court is directed to verify



from the report of the District Transport Officer and if he is satisfied that the vehicle is registered in the name of the petitioner in the State of UP and if the report reveals that the vehicle bearing Registration No.UP 65 BS 0943 has been sold to one Ajay Kumar who had handed over the vehicle to co-accused Pankaj Kumar Yadav, genuineness of the vehicle, as well as, owner of the vehicle is required to be verified by the learned District Court, so as to ensure that innocent should not be losing his vital right, as enshrined under Article 21 of the Constitution of India. In case, the petitioner is found innocent, the learned District Court, without being prejudiced by his earlier order dated 06.03.2025, may pass a proper order, if the petitioner approaches the learned District Court by filing a fresh bail application, in accordance with law.

9. Till the learned District Court passes a fresh order, no coercive steps shall be taken against the petitioner in the aforesaid case.

10. The bail application stands disposed of.

(Purnendu Singh, J)

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