

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71704 of 2024

Arising Out of PS. Case No.-15 Year-2021 Thana- BAISI District- Purnia

Arshad Khan S/o Asfaq Khan Resident of Hanuman Gali Jaora, PS- Javra
City, District- Ratlam (Madhya Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 16-04-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 30(a), 41 and 47 of the Bihar Prohibition and Excise Act.

3. A perusal of the First Information Report as also seizure list would show that there is recovery of 5650.200 liters of foreign liquor from the truck and the name of the petitioner has transpired in the case on account of he being the owner of the said truck.

4. It would appear from the earlier order dated 28.02.2025 that the petitioner had been granted time to place on record the agreement between the petitioner and one Kishan Lal. From perusal of such agreement would show that the second party i.e. Kishan Lal had purchased the said vehicle and taken



the custody of the same in the presence of witnesses on 21.08.2020. It would appear from the said agreement that the ownership could not have been transferred on account of the fact that the installments with regard to the said vehicle was still due.

6. Taking into consideration, the facts and circumstances of the case as also the fact that no recovery has been made from the physical and conscious possession of the petitioner and the liquor has recovered although in huge quantity is from the truck which the petitioner has already sold to somebody else, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Baisi P.S. Case No. 15 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Soni Shrivastava, J)

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