

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78222 of 2024

Arising Out of PS. Case No.-208 Year-2020 Thana- BAISI District- Purnia

Jagdish S/o Late Chedu R/o Beerampur Pahad Nagar, Tikiriya, Bakkas,
District- Lucknow, Uttar Pradesh, P.S.- Gosaiganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Shukla, Adv.

For the Opposite Party/s : Mr. Khurshid Anwar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a), 41 and 47 of the Bihar Prohibition and Excise Act, 2016.

3. Altogether 3898.44 litres of foreign liquor has been recovered from the seized truck. The driver of the said truck was apprehended on the spot.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious possession of the petitioner or from his house. He has no concern either with the seized liquor or the place of recovery or



any trade of liquor. The allegation levelled against the petitioner is totally false and based on concocted facts. The real fact is that the petitioner had purchased a second hand truck, the vehicle aforesaid, in the year 2014 and the same was registered under his name on 28.11.2014. But after some years, due to poor financial conditions, the petitioner was compelled to sell the said truck via vehicle sale agreement to one Mukesh Meena, resident of Barabanki, U.P. Along with the sale agreement, the petitioner handed over the said truck with documents to Mukesh Meena on 05.08.2019 itself. The petitioner also applied for NOC for transfer of the said vehicle in favour of Mukesh Meena in the Divisional Transport Office, Lucknow, which was approved by the Divisional Transport Officer, Lucknow and an NOC was issued in favour of Mukesh Meena, which is also evident from Annexure-P/4 of the bail application. Thereafter, the buyer Mukesh Meena never got the said vehicle registered in his name under the Barabanki transport office and continued to use the vehicle that was registered in the name of the petitioner. It is further submitted that Mukesh Meena used the said vehicle for illegal transportation of liquor in the State of Bihar. The said vehicle was not in possession of the petitioner after 05.08.2019. He had no role in the alleged occurrence. He was not apprehended on the spot. The apprehended driver did not take



name of the petitioner nor showed any sort of connection to him. Learned counsel further submits that petitioner has no criminal antecedent as mentioned in para 3 of the bail application.

5. Petitioner is agreed to deposit a sum of Rs. 5,000.00 (Rupees Five Thousand) in the account of Lawyers' Association Welfare Benevolent Fund, bearing Account No. 7801893276, IFSC Code: IDIB000L501, Indian Bank, LNMI Branch, Bailey Road, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of eight 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 Court below where the case is pending/successor Court in connection with Baisi P.S. Case No. 208 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to the further conditions that

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.



(2) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Lawyers' Association Welfare Benevolent Fund.

8. The learned Court below is directed to verify the criminal antecedent of the petitioner. If it is found that the petitioner has criminal antecedent in similar nature of offence, then the bail bond of the petitioner shall not be accepted by the learned Court below.

(Anjani Kumar Sharan, J)

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