

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87646 of 2024

Arising Out of PS. Case No.-239 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

Budhan Rai S/o Gobind Ray R/o Village- Maksudpur, PS- Minapur, District –
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-01-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is the registered owner of

the vehicle having registration no. BR06GE8264, which

arrayed in accused list in the F.I.R. and apprehending his

arrest in connection with Runnisaidpur P.S. Case No. 239 of

2023, registered for the offences punishable under Section

120 of the Indian Penal Code and Sections 30(a), 32(i), 36,

41(i)(ii) of the Bihar Prohibition and Excise (Amendment) Act,

2022.

3. As per the case of prosecution, the aforesaid



Mahindra Pick up van bearing registration no. BR06GE/8264 which was in name of this petitioner found carrying illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that this petitioner sold his aforesaid vehicle long back before this occurrence to one Abhishek Kumar but as RC could not transfer in his name, for said technical reason, he was implicated with present case. It is submitted that admittedly no recovery of illicit liquor was made from the physical possession of this petitioner and, moreover, co-accused Abhishek Kumar who disclosed the name of this petitioner has already granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 51640 of 2023 dated 19.08.2023. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances as admittedly no recovery of illicit liquor was made from physical possession of this petitioner, whose



implication appears *prima facie* being registered owner of the vehicle, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-I, Sitamarhi/concerned Court, where the case is pending in connection with Runnisaidpur P.S. Case No. 239 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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