

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15780 of 2019

Arising Out of PS. Case No.-378 Year-2018 Thana- GHORASAHAN District- East
Champaran

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Pramod Yadav, Son of Ram Vilash Ray, Resident of Village - Pokhariya, P.S.-
Ghorasahan, District - E. Champaran, Motihari.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma

For the Opposite Party/s : Md. Mushtaque Alam

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-03-2019 Heard leaned counsel for the petitioner and

learned APP for the State.

The petitioner is languishing in custody since
25.01.2019 in a case registered for the offences punishable
under Sections 414/34 of the Indian Penal Code and Section
30(a) of Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the written report of
A.S.I., Rajnandan Paswan submitted to SHO, Ghorasahan
Police Station is to the effect that on 26.09.2018, during
patrolling in the night, the informant received a secret
information that the petitioner Pramod Yadav is transporting



huge quantity of illicit liquor on a motorcycle. Whereupon, a raid was laid and one motorcycle was found coming which was followed by another four motorcycles. On giving signal to stop, all the persons fled away leaving the motorcycles. From the alleged motorcycles, total of 444.00 litres of illicit nepali liquor were recovered, whereas from the motorcycle bearing registration no. BR 05Q 8676, 108 litres of illicit nepali liquor were recovered and subsequently, the seizure list was prepared. The petitioner is alleged to have driven the alleged motorcycle bearing registration no. BR 05Q 8678.

It is submitted by learned counsel for the petitioner that the registration no. of the alleged motorcycle in question is differently recorded in FIR and in the seizure list. The FIR suggests that the registration no. of alleged motorcycle in question as BR 05Q-8676, whereas the seizure list suggests it as BR 05Q-8678 and the said motorcycle has been purchased by the petitioner. It is further alleged that even assuming the alleged motorcycle belongs to the petitioner, even then the petitioner was not apprehended from the place of occurrence. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery



has been made from the motorcycle of the petitioner.

Considering the fact that recovery has not been made from the conscious physical possession of the petitioner and he has not been apprehended from the place of occurrence, coupled with statement made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **Special Judge, Excise, East Champaran, Motihari** in connection with **Ghorasahan P.S. Case No.378 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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