

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25951 of 2019**

Arising Out of PS. Case No.-78 Year-2018 Thana- GANGABRIDGE District-
Vaishali

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SANDEEP KUMAR, male, aged about 28 years, S/O Sakindra Ray, R/O-
Village- Karhari, P.S.- Bhagwanpur, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Manish Chandra Gandhi, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 22-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 30(A) of the Bihar Prohibition and Excise
Act, 2016 registered in connection with Ganga Bridge P.S. Case
No. 78 of 2018.

3. It is submitted that the petitioner has been falsely
implicated as no offence under the Bihar Prohibition and Excise
Act is made out against the petitioner in the facts and
circumstances of the case. It is submitted that the accusation
with reference to the owner of the subject motorcycle which
however the petitioner had already sold to one Lal Babu Rai on
01.09.2013 for an amount of Rs. 24,000/- (Annexure-2) and has
no concern with the same thereafter.



4. However considering the submission of the petitioner that he was not the owner of the subject motorcycle on the date of occurrence, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge 2nd cum Special Judge, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No. 78 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court



concerned.

5. The provisional bail shall be confirmed upon verification by learned Court below, preferably within a further period of twelve weeks after furnishing of bail bond, that the petitioner had in fact sold his motorcycle to Lal Babu Rai on 01.09.2013. In case the sale letter dated 01.09.2013 (Annexure-2) is not found verifiable or the purchaser Lal Babu Rai does not confirm having purchased the motorcycle from the petitioner, the provisional bail shall stand automatically cancelled.

(Vikash Jain, J)

Ibrar/Chandran

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