

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7754 of 2020

Arising Out of PS. Case No.-37 Year-2018 Thana- RAJEPUR District- East Champaran

Bhola Sahani S/O Ramadhar Sahani Resident of Village-Ward No. 5,
Gehumachak, P.S. - Motipur, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 10-06-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

The petitioner is apprehending arrest in connection with Rajepur P.S. Case No. 37 of 2018 for offences under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioner has no criminal antecedent.

Referring to the prosecution case, it is submitted that there is allegation that the petitioner is the owner of the motorcycle which was thrown and he succeeded in fleeing away from the spot and from the dicky of the motorcycle, 5 litres of country made liquor was recovered.

Learned counsel for the petitioner submits that owner



of the vehicle is Mukesh Kumar and it has wrongly been inferred that Mukesh Kumar has transferred the vehicle to the petitioner. It has categorically been stated by the petitioner in paragraph 8 of the bail petition.

Considering the fact that the petitioner is not the owner of the vehicle wherefrom 5 litres of country made liquor was recovered and not from his conscious possession, this Court is inclined to grant bail to him. Let petitioner, above-named, in the event of arrest or surrender within one month from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge 9th cum Special Judge Excise Motihari, East Champaran in connection with Rajepur P.S. Case No. 37 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and subject to further condition that the petitioner shall render his service as volunteer in the District Health Centre for a period of three months in dedicated Covid hospital. He is required to report the District Nodal Officer in the concerned region who shall utilise the service of the petitioner appropriately.

(Anil Kumar Upadhyay, J)

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