

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 16819 of 2020**

Arising Out of PS. Case No.-35 Year-2019 Thana- BALRAMPUR District- Katihar

RAJESH KUMAR SAH Son of Saryu Prasad Sah Resident of Village- Belgachchi, P.S.- Dagarua, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mukesh Kumar Jha, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**

ORAL ORDER

2      15-10-2020

The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner apprehends his arrest in a case registered under Section 30(A) of the Bihar Prohibition and Excise Act.

Informant who is the police officer has alleged in his written complaint that while he was on patrolling duty, he received secret information that one person is coming on his motorcycle with foreign liquor from West Bengal. On such information he started vehicle checking and saw that one person was coming and police party tried to stop him but he fled away after leaving the motorcycle and bag. On search 17.85 litres of



foreign liquor was recovered from the bag which was kept on motorcycle.

It has been submitted on behalf of petitioner that he is innocent and has been implicated in this case being owner of the seized motorcycle. Alleged recovery was made from the motorcycle which had already been sold to one Arbind Singh on 21.07.2018 in support of which two affidavits sworn before Executive Magistrate dated 21.07.2018 are enclosed and on alleged date of occurrence the motorcycle was in possession of Arbind Singh and to this effect petitioner has filed a petition before the learned Collector, Katihar in confiscation proceeding denying the ownership of vehicle. Nothing was recovered from his conscious possession and he is not the owner of seized vehicle, as such, no offence under Excise Act is made out against him. Petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioner named above in the event of arrest or surrender before the court below within four weeks from today, Petitioner is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II cum



Special Judge-II, Katihar, in connection with Balrampur P.S.  
Case No. 35 of 2019, subject to the conditions as laid down  
under Section 438(2) of the Code of Criminal Procedure with  
following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.
- (4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

**(S. Kumar, J)**

veena/rajiv-

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