

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34741 of 2020

Arising Out of PS. Case No.-164 Year-2020 Thana- KESARIA District- East Champaran

1. PAPU RAY S/o Bhikham Ray Resident of Village-Sondrapur, Police Station-Kesaria, District-East Champaran.
2. Mithlesh Ray S/o Bacha Ray Resident of Village-Sondrapur, Police Station-Kesaria, District-East Champaran.
3. Arvind Ray S/o Rameshwar Ray Resident of Village-Kadhan, Police Station-Kesaria, District-East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anil Kumar
For the Opposite Party/s : Mr. Dinesh Singh

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 06-04-2021 Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in connection with Kesariya P.S. Case No. 164 of 2020, registered under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that in course of patrolling duty, the informant and other Police personnel received information about carrying of liquor by four persons boarding on two motorcycles towards Dhekaha market, the informant along with other Police personnel proceeded towards Dhekaha market then, in the way, four persons were seen boarding on



two motorcycles, while they were asked to stop the motorcycles, but they accelerated the speed of the motorcycle. On chase, two persons leaving the motorcycle succeeded in fleeing and another two persons on the second motorcycle threw the sack and started fleeing. The sack was thrown from the motorcycle bearing registration No. BR05-4314 and another Herohonda motorcycle bearing registration No. BR22D-2327 was lying there. The local Chowkidar disclosed that two persons, who succeeded to flee away with the motorcycle were Papu Ray and Mithlesh Ray (petitioner Nos. 1 and 2) and other two persons, who succeeded to move from there with the motorcycle, were Arbind Ray (Petitioner No.3) and Sanjay Ray. On search of sack, two polythene, each containing five litres country made liquor and on search of dicky of motorcycle bearing registration No. BR22D-2327, five litres country made liquor kept in polythene recovered.

Learned counsel for the petitioners submits that petitioners are not the owner of the motorcycles as detailed in the F.I.R. Further submission is that, in fact, the local Chowkidar, due to dirty village politics, implicated the petitioners in this case. The petitioners have no criminal antecedent.



Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Judge, Excise, East Champaran, Motihari in connection with Kesariya P.S. Case No. 164 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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