

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1135 of 2021

Arising Out of PS. Case No.-121 Year-2020 Thana- SINGHESHWAR District- Madhepura

KISHAN RAM S/o Chandra Kishore Ram @ Chandrakishore Ram R/o
village- Singheshwar, Ramani Tola, P.S.- Singheshwar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh- Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-08-2021 Heard Mr. Shailendra Kumar Singh, the learned

Advocate for the petitioner and Mr. Ram Priya Sharan Singh,

the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Singheshwar P. S. Case No.121 of 2020, instituted for the offences under Sections 279, 337, 338, 427/ 34 of the Indian Penal Code and Section 30(a) of the Bihar Excise and Prohibition Amendment Act, 2018.

The accusation in the F.I.R. is that the informant got injured by a motorcycle which was being driven in a rash and negligent manner. The informant caught hold of the person riding the motorcycle but one Balram Choudhary intervened and told the informant that the motorcyclist is his man and that it was only an accident. In the meantime, the informant spotted a



gunny bag which contained 30 litres of locally brewed *mahua* liquor. The informant claims to have informed the police about it after taking photographs of the motorcycle and the bag containing *mahua* liquor. The informant was also divested of his personal belongings. The motorcycle and the liquor were seized by the police.

The learned Advocate for the petitioner has submitted that though in the F.I.R., two persons have been named namely, Balram Choudhary and Arun Choudhary but the petitioner has not been named. The accusation against him is only on the basis of the fact that he is the owner of the seized motorcycle.

It has been submitted on behalf of the petitioner that his motorcycle was borrowed by one of his neighbours for going to local market for purchasing medicines. Though the vehicle in question belongs to the petitioner, but it was being driven by someone else. The petitioner does not have criminal antecedent. These facts clearly administers that no offence under the Bihar Prohibition and Excise Amendment Act can at all be said to have been made out against the petitioner.

For the reasons afore-stated, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be



released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Madhepura in connection with Singheshwar P. S. Case No.121 of 2020 (Excise Case No.313 of 2020), subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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