

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5085 of 2021

Arising Out of PS. Case No.-407 Year-2020 Thana- KOILWAR District- Bhojpur

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Alok Singh @ Alok Kumar Singh, aged about 28 years, male, Son of Late Banvir Singh, Resident of Village - Dhandiha, P.S. - Koilwar, District – Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 10-09-2021 Heard Mr. Uday Kumar, the learned Advocate for the petitioner and Mr. Ram Sevak Choudhary, the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Koilwar Police Station Case No. 407 of 2020 (Excise Case No. 1407 of 2020), dated 28.09.2020, instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.



It appears from the F.I.R. that on seeing the police party, a motorcyclist tried to flee away. However, the motorcycle was intercepted from where 40 litres of Mahua liquor was recovered. The aforesaid motorcycle belongs to the petitioner.

Hence, this prosecution against him.

It has been submitted on behalf of the petitioner that he is actually a truck owner but had given his motorcycle to his driver to bring motorcycle parts from the mechanic. However, on the way, the driver of the petitioner was asked for the papers of the motorcycle. The driver of the petitioner came back to the home of the petitioner for obtaining the papers of the vehicle but, in the meantime, the subject F.I.R. had been lodged.

The learned counsel for the petitioner has submitted that he has clean antecedents and the recovery of Mahua liquor from the motorcycle belonging to him is the handy-work of the local police. In any view of the matter, the petitioner has not been arrested nor is there any suspicion about his having any concern with the seized



liquor.

Regard being had to the facts afore-stated, it has been urged that no offence under the Excise Act can at all be said to have been made out against the petitioner.

For the reasons afore-noted, 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 4th Addl. Sessions Judge-Cum-Special Judge, Excise, Bhojpur, Ara in connection with Koilwar Police Station Case No. 407 of 2020 (Excise Case No. 1407 of 2020), subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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