

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23961 of 2023

Arising Out of PS. Case No.-13 Year-2022 Thana- MORO District- Darbhanga

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PRAKASH KUMAR, aged about 34 years, (Male), Son of Rajeshwar Prasad Singh Resident of Village - Ladaura, P.S.- Kalyanpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, App

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-05-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.

2. Petitioner seeks regular bail in connection with Moro P.S. Case No. 13 of 2022 dated 15.02.2022 registered for the offence(s) punishable under Section(s) 420, 467, 468, 471/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned counsel for the petitioner are that the instant matter relates to the recovery of 3585.280 litres of foreign liquor and the same is stated to have been recovered from a truck and two pickup vehicles and as per allegation, five motorcycles were parked near the said truck and pickup vehicles but in actual the petitioner was not arrested at the spot and as per the



prosecution's allegation, three co-accused persons were arrested at the spot but they did not disclose the name of this petitioner being involved in the alleged smuggling of wine and petitioner has been made accused merely on account of being owner of one of the motorcycles which was seized at the spot and except this there is no any other material against the petitioner, one similarly situated co-accused, namely, Rupanjali Kumari, who is owner of the one of the seized motorcycles has been granted anticipatory bail by a co-ordinate Bench of this Court vide order Annexure 3 and one another co-accused Anil Kumar has been granted anticipatory bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 28034 of 2022 and petitioner is neither the owner nor the driver of the truck and pickup vehicles from which the recovery of alleged wine was made. Further submissions are that the petitioner's motorcycle was hired by one person, namely, Rajeev Kumar and thereafter his motorcycle was misused and he had no knowledge about the seized liquor and petitioner has been languishing in jail since 03.02.2023 and against him, the investigation has been completed.

4. Learned APP appearing for the State opposes the bail prayer.



5. Considering the above submissions and mainly the completion of investigation against the petitioner and also the fact that petitioner was not arrested at the place of recovery and as per above submissions, he has been made accused merely on account of his motorcycle being found at the place of recovery and he has taken a plea that he is neither the owner nor the driver of the alleged truck and pickup vehicles, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail in connection with Moro P.S. Case No. 13 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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