

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35909 of 2023

Arising Out of PS. Case No.-99 Year-2022 Thana- DEODHA District- Madhubani

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Suman Kumar Vishwakarma, aged about 25 years, male, S/o Satish Prasad Vishwakarma, R/o Village-Laxmisagar Chunab Hatti, Ward No.15, P.S.- University, Dist.-Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Deodha P.S. Case No. 99 of 2022 dated 02.09.2022 instituted for the offence punishable under Sections 272, 273, 34 of the Indian Penal Code and 30(a) Bihar Prohibition and Excise Act, 2016.

3. The prosecution case, in short, is that on 02.09.2022, the police (informant) recovered 54 litres Nepali liquor from the motorcycle bearing no. BR07M-6685, which was being driven by two accused persons. The said motorcycle was owned by the petitioner.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he is falsely implicated in this case. It is further submitted that the name of the petitioner has transpired in this case only on the basis that he is owner of the motorcycle. Learned counsel for the petitioner submits that nothing has been recovered from the conscious possession of the petitioner. The said liquor has been recovered from the two accused persons who have been arrested at the spot. It is further submitted that before the alleged date of occurrence, accused Sanjeev Kumar Yadav came to petitioner's house and demanded motorcycle for fetching medicine for his ailing father. The petitioner believing on him gave his motorcycle to him to bring medicine. Lastly, it has been submitted that he has no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Deodha P.S. Case No. 99 of 2022, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum



Special Judge, Excicse Act, Madhubani, subject to condition as
laid down under Section 438(2) of the Criminal Procedure
Code.

(Khatim Reza, J)

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