

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49354 of 2023

Arising Out of PS. Case No.-251 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Kaimur (Bhabua)

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Nityanand Kumar S/O Shdivbasant Singh Yadav R/O Village- Shahpur, P.S.
Chenari, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Excise Case No. 251 of 2023, registered on 28.03.2023 for the offences under Sections 30(a) and 32(3) of Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, during checking of vehicles in search of illicit liquor, a motorcycle rider fled away leaving behind the motorcycle and from the motorcycle 2.340 litres of Indian made foreign liquor and 2.200 litres of country made liquor were recovered. The petitioner is the owner of the motorcycle which was seized by the Excise officials.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner is a man of clean antecedent and nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is owner of Hero Splendor motorcycle bearing Registration No. BR45N-1452 and it was parked at a line hotel at NH-2 and someone got the petitioner falsely implicated in this case by planting illicit liquor and there is no substance in allegation against the petitioner.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that recovery has been shown from a motorcycle, which is said to be owned by the petitioner, and not from the conscious possession of the petitioner, let the petitioner above named in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-2 cum A.D.J. VII, Kaimur at Bhabhua/concerned court in



connection with Excise Case No. 251 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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