

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46706 of 2023

Arising Out of PS. Case No.-108 Year-2023 Thana- UJIYARPUR District- Samastipur

Subash Kumar @ Subhash Kumar @ Haklua @ Subhash Kumar Mahto S/O
Ram Bharosh Mahto R/O Villge- Chand Chor Mathurapur, P.S.- Ujiyarpur,
Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks pre-arrest bail in connection with
Ujiparpur P.S.Case No.108 of 2023, registered for the offences
punishable under Sections 30(a), 41(i)(ii) of Bihar Prohibition
and Excise (Amendment) Act, 2022.

As per the allegation made in the FIR, 108 ltr. of
foreign liquor was loaded on a motorcycle bearing registration
no.BR33AA 4538 and the petitioner fled away from the place of
occurrence.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner has falsely been implicated in the
case, however, he admits that earlier also the petitioner had been



made accused in a case bearing Ujiyarpur P.S.Case No.279 of 2022 under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022. The petitioner informs that he will not be indulged in any illegal act in future and on that basis, the learned counsel seeks pre-arrest bail to the petitioner.

Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

Considering the nature of allegation made in the FIR as well as the fact that the motorcycle is registered in the name of the petitioner, the court below is directed to call for a report from the District Transport Officer to verify the fact that as to whether the said motorcycle, which has been seized, belongs to the petitioner and in case it is confirmed that the motorcycle, in question, is registered in the name of the petitioner, the court below must seek personal bond of Rs.1,00,000/- (one lac) from the petitioner and an affidavit that the petitioner will not be indulged in any criminal act in future and if such affidavit is filed by the petitioner on the day of surrender before the learned court below, the petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the court below within a period of three weeks from today, on furnishing aforesaid personal bond of Rs.1,00,000/- (one lac) with two



sureties of the like amount each to the satisfaction of learned
Special Judge Excise-1, Samastipur in connection with
Ujiyarpur P.S.Case No.108 of 2023, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C. with further
condition that one of the bailors shall be his family member.

(Purnendu Singh, J)

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