

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53006 of 2023

Arising Out of PS. Case No.-119 Year-2021 Thana- DIGHWARA District- Saran

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Tilak Sah @ Tilak Shaw Son Of Late Saukhilal Sah @ Sauki Resident Of
Village-Chandpura, Bhagwanpur, Ps-Parsa, District- Saran At Present
Residing At 1688, Baitakhana Road, Ps- Sealdah, Distt- Sealdah Kolkata

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-08-2023 Heard Mr. Yogesh Kumar, learned counsel for the

petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with Dighwara P.S. Case No.119 of 2021 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. Allegedly, in course of patrolling on noticing the police party, one person who was coming on the motorcycle succeeded in fleeing away after leaving behind his motorcycle. On search total 7.200 liters illicit liquor was recovered from the said motorcycle.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been made accused in



this case only in the capacity of he being owner of the said motorcycle. He further submits that the alleged motorcycle in question was in fact handed over to his son-in-law, namely, Neeraj Sah for his use, but the said Neeraj Sah without having knowledge of the petitioner sold the motorcycle to another persons without completing the paper work and the petitioner was not even knowing the fact that the vehicle has been used by some unscrupulous person for trafficking the illicit wine. He next submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation/trial.

5. On the other hand learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has been made accused only in the capacity of being owner of the vehicle and no other incriminating material has been recovered from the whereabouts of the petitioner, coupled with his fair antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties



of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-II-cum-Exclusive Special Judge Excise, I, Chapra at Saran in connection with Dighwara P.S. Case No.119 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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