

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53035 of 2022

Arising Out of PS. Case No.-161 Year-2022 Thana- NAUTAN District- Siwan

SHAMBHU BHAGAT Son of Sri Mohan Bhagat Resident of Village -
Khalwa, P.S.- Nautan, District - Siwan (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Gupta, Adv.

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-01-2023 Heard learned counsel for the petitioner and the
State through video conferencing in view of the Covid-19.

The petitioner apprehends his arrest in connection with Nautan P.S. Case No. 161 of 2022 instituted under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, the police while conducting vehicle check, came to know that Shambhu Bhagat is coming on a motorcycle from Uttar Pradesh. Upon sight of the police force, the accused left the bike and fled away and there was recovery of 71.80 litres of Indian liquor. Hence, the FIR was lodged.

Learned counsel for the petitioner submits that he has clean antecedent, is a young boy of 19 years



pursuing study and has nothing to do with the said motorcycle. Further, in Column-7 of the FIR, it has been wrongly incorporated that he is owner of the vehicle, TVS Motorcycle bearing Registration No. BR-29AS-0140. It is his categorical submission that the owner of the said vehicle is one Nagendra Gaur and after verification of the documents, the said vehicle has also been released in his favour.

Learned APP on the other hand opposes the prayer stating that he seems to be the owner.

Taking into account the fact that the categorical statement has been made by the learned counsel for the petitioner, Mr. Saket Gupta that he does not own the motorcycle bearing Registration No. BR-29AS-0140, ownership of which stands registered with one Nagendra Gaur and further the petitioner is a young boy and needed a chance to shape up a positive future, this Court is inclined to grant him relief.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten



Thousand) each with two sureties of the like amount each in connection with Nautan P.S. Case No. 161 of 2022 to the satisfaction of learned ADJ Exclusive Special Excise Court-2, Siwan, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan
/Ajay Singh/-

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