

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 57115 of 2023

Arising Out of PS. Case No.-122 Year-2021 Thana- SAHIYARA District- Sitamarhi

Amul Raut @ Amul Kumar Son Of Ram Chandra Raut Resident Of Village -
Kuari Madan Ward No.3, P.S. - Mejarganj, District - Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Durga, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-08-2023 Heard Ms. Durga, learned counsel appearing on
behalf of the petitioner and learned Additional Public Prosecutor
for the State.

2. The petitioner apprehends his arrest in connection
with Sahiyara P.S. Case No. 122 of 2021, registered for the
offences punishable under Section 414 of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. Allegedly, in course of patrolling, when the police
tried to intercept the person who was coming on a motorcycle
he succeeded in fleeing away, on noticing the police personnels,
by leaving his motorcycle. On search, total 12 litres of Nepali
Saufi wine has been recovered.

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 the owner of the motorcycle which was taken away by his friend in good faith and he was not aware as to what was being carried by his friend. She next submits that the petitioner is the first offender and he undertakes that he will fully cooperate in the investigation or in the proceeding of the court. She lastly submits that there are other infirmities in the search and seizure.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is a man of fair antecedent and his name has been implicated in this case only in the capacity of the owner of the motorcycle, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. I, Sitamarhi in connection with Sahiyara P.S. Case No. 122 of 2021, subject to the conditions laid down in Section 438(2) Cr.P.C. with the



further condition that one of the bailors shall be the own/close
family members of the petitioner.

(Harish Kumar, J)

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