

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56949 of 2023

Arising Out of PS. Case No.-187 Year-2020 Thana- GUTHANI District- Siwan

Mukesh Kumar Singh, Son of Late Suresh Singh, Resident of Village-
Maniyar Chawni Muhalla, P.S.-Maniyar, Distt-Baliya, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Anupam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-08-2023 Heard Mrs. Kumari Anupam, learned counsel

 appearing on behalf of the petitioner and the learned Additional

 Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Guthni P.S. Case No. 187 of 2020, registered for the offences punishable under Sections 30 (a) of the Bihar Prohibition and Excise Act.

3. Allegedly, in course of patrolling, the police on a secret information intercepted three motorcycles and apprehended three persons, however, on noticing the police, one of the persons succeeded in fleeing away. It is further alleged that in course of search, 54 liters of country made liquor has been recovered.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner has been implicated in this case only in the capacity of he being owner of one of the motorcycle and save and except this material, there is nothing against the petitioner. She further submits that in fact on the alleged date of occurrence the motorcycle was taken away by one of his co-villagers and he was not even knowing that the motorcycle, in question, has been used for any other wrongful purpose. She next submits that nothing incriminating has been recovered from the whereabouts of the petitioner and, moreover, the petitioner is a man of fair antecedent and he undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

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

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has been implicated only in the capacity of owner of the motorcycle, which was seized by police and there is no other material, let the petitioner above named 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 1st, Siwan in connection with Guthni P.S. Case No. 187 of 2020, 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 local resident.

(Harish Kumar, J)

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