

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57291 of 2023

Arising Out of PS. Case No.-232 Year-2023 Thana- RAMGARH District- Kaimur (Bhabua)

SANDIP KUMAR @ SANDEEP JAISHWAL SON OF BIRENDRA
PRASAD @ BIRENDRA JAISHWAL VILLAGE- RAJPUR, PS- RAJPUR,
DIST- ROHTAS AT SASARAM

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra, Adv.

For the Opposite Party/s : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-08-2023 Heard Mr. Chhote Lal Mishra, learned counsel

appearing on behalf of the petitioner and Md. Shakir Ahmad,

learned A.P.P. for the State.

2. The petitioner apprehend his arrest in connection
with Ramgarh (Nuaon) P.S. Case No. 232 of 2023, dated
04.07.2023, registered under Section 414 of the Indian Penal
Code and Section 30(a) of Bihar Prohibition and Excise Act.

3. The prosecution case, in brief, is that informant got
an information that three persons riding on motorcycle are
coming towards Yadav Tola with liquor. On verification of such
information Police team proceeded towards the location and
intercepted an Apache Motorcycle bearing Registration No.
BR24AK-3771 with two persons, who disclosed their name as



Sandeep Kumar, Prem Kumar and Mantu Kumar, however one of them escaped (the petitioner). During search 30 liters liquor were recovered. Accordingly seizure list was prepared.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and no recovery has been made from the possession of the petitioner. The Motorcycle bearing Registration No. BR24AK-3771 is not registered in the name of the petitioner.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the allegation made in the F.I.R. that 30 litres country made liquor was recovered from the Motorcycle bearing Registration No. BR24AK-3771, the learned Court below is directed to verify it from the District Transport Officer, Kaimur at Bhabhua. In case the report submitted by the District Transport Officer, Kaimur at Bhabhua reveals that the Motorcycle is not registered in the name of the petitioner and belongs to someone else, the above named petitioner is directed to 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.21,000/- (Twenty one thousand) with two sureties of the like



amount each to the satisfaction of learned I/c, Special Judge
Excise No.2- Cum- A.D.J-VII, Kaimur at Bhabhua in
connection with Ramgarh (Nuaon) P.S. Case No. 232 of 2023,
subject to the condition as laid down under Section 438(2) of
the Cr.P.C.

(Purnendu Singh, J)

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