

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64162 of 2023

Arising Out of PS. Case No.-199 Year-2022 Thana- PARIHAR District- Sitamarhi

Devendra Kumar, S/O Sitaram Sah, R/O Village- Kanhama, Ward No. 5, P.S. Parihar, Dist. Sitamarhi (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-12-2023 Heard Mr. Shankar Kumar, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Parihar P.S. Case No. 199 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Allegedly the police in course of patrolling, on an information, seized a motorcycle, which was standing near Surgahiya Chowk and in course of search 14.400 litres of Nepali Sofi liquor have been recovered. The petitioner is said to be the owner of the motorcycle.

4. It is submitted on behalf of the petitioner that from the narrations made in the F.I.R., it is evident that the motorcycle was parked at Surgahiya Chowk, though the



petitioner is resident of village Kanhama. That apart, the motorcycle, in question, was already stolen prior to the alleged occurrence and for that the petitioner had submitted an application before the local police station, but no F.I.R. could be lodged till the seizure of the motorcycle. He next submitted that only because of the petitioner being the alleged owner of the motorcycle, his name has been implicated in this case and there is no material suggesting the complicity of the petitioner in the crime. He further drew the attention of this Court to the seizure list and referring to the same, he shown the serious infirmities. He lastly submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned APP for the State 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 in this case on account of he being the owner of the motorcycle, coupled with the fair antecedent and the infirmities shown in the seizure list, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of



a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Sitamarhi in connection with Parihar P.S. Case No. 199 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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