

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64735 of 2023

Arising Out of PS. Case No.-121 Year-2023 Thana- HISUWA District- Nawada

Pravesh Prasad Son Of Ishwari Prasad Resident Of Village - Nasratpur,
Phulvariya, Police Station - Hisua, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumud Kishore, Advocate

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-10-2023 Heard Mr. Kumud Kishore, 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 Hisua P.S. Case No. 121 of 2023, registered for the
offences punishable under Sections 30(a) and 41 of the Bihar
Prohibition and Excise Act, 2016.

3. The police on a secret information with regard to
trading of illicit wine, conducted raid, however, on noticing the
police party, the persons who were present there succeeded in
fleeing away, after leaving the motorcycle. In course of search,
total 175 liters of country made liquor was recovered.

4. Learned counsel appearing on behalf of the
petitioner submits that the name of the petitioner has been



implicated in this case in the capacity of he being owner of the motorcycle, which is said to have been recovered from the place of occurrence. While drawing the attention of this Court to the FIR, he submits that the alleged recovery has been made near the bank of Tilaiya river and in fact on the alleged date of occurrence, the petitioner has handed over the motorcycle to one of his friend and he was not knowing the fact that the motorcycle has ever been used for the purposes of any illegal activities. That apart, he further submits that even in the FIR, wrong registration number of the motorcycle has been mentioned and there are other infirmities in the search and seizure. The witnesses are non-else but the police personnels. He lastly submits that 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 and submits that the vehicle of the petitioner was used for the transportation of illicit wine.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a public place, near the bank of



Tilaiya river, which is easily accessible to all, apart from the infirmities in the search and seizure, coupled with the fair antecedent of the petitioner, 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 Judge – 1st, Nawada in connection with Hisua P.S. Case No. 121 of 2023, 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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