

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67647 of 2023

Arising Out of PS. Case No.-91 Year-2023 Thana- TILAUTHU District- Rohtas

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Dhirendra Singh, S/O Mukhadeo Singh, R/O Village- Seuwa, P.S- Tilauthu,
Distt.- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-11-2023 Heard Mr. Babu Nandan Prasad, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. At the outset, learned counsel for the petitioner
seeks permission to make necessary correction in the cause title
of the petitioner, during the course of the day.

3. Permission is accorded.

4. The petitioner is apprehending his arrest in
connection with Tilauthu P.S. Case No. 91 of 2023 registered for
the offence punishable under Section 30 (a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

5. The police on a secret information conducted raid
at the bank of Sone river, however, noticing the police party two
persons succeeded in fleeing away on motorcycle. It is further



alleged that the informant took the photograph of the motorcycle, which suggests its registration number, as BR 26U 6892. In course of search, total 55 litres of Mahua liquor were recovered.

6. It is submitted on behalf of the petitioner that the petitioner has been made accused in this case in the capacity of being the owner of the motorcycle, the photograph of which has been taken by the informant. He further submits that the entire case against the petitioner appears to be suspicious, as the same is only based on the photograph of the motorcycle taken by the informant. It is his submission that any person can use the fake registration number, for which the petitioner cannot be made an accused without any other substantive evidence. That apart, he submits that the petitioner is a man of fair antecedent and, moreover, the recovery has been made from the bank of the river, which is an open place, accessible to all. He lastly submits that the petitioner undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

7. On the other hand, learned APP for the State opposes the bail application.

8. 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 only on account of he being the owner of the motorcycle, in question. Furthermore, all the witnesses are police officials, coupled with the fair antecedent, 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 Court No.-II-cum- Additional District and Sessions Judge, Rohtas at Sasaram in connection with Tilauthu P.S. Case No. 91 of 2023, 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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