

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70543 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- UPHARA District- Aurangabad

SONU KUMAR SON OF BHOLA CHOUDHARI RESIDENT OF
VILLAGE - NEVDHI KER, P.S. - KONCH, DISTRICT - GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey, Adv

For the Opposite Party/s : Mr.M.K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-11-2023 Heard Mr. Santosh Kumar Pandey, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

02. The petitioner is apprehending his arrest in connection with Uphara P.S. Case No. 53 of 2023 registered for the offence punishable under Section 30(a) of Bihar Excise amendment Act, 2018.

03. The police, in course of patrolling on secret information, intercepted a Hero Honda Motorcycle and apprehended the rider. In the course of search, total of 15 litres of *Mahua* liquor has been recovered from the Motorcycle.

04. It is submitted on behalf of the petitioner that admittedly the person who was riding the motorcycle discloses his name as Om Prakash Kumar, but the petitioner has been



made accused in this case on account of he being the owner of the vehicle and save and except this fact there is no other material suggesting the complicity of the petitioner. He further submits that on alleged date of occurrence the motorcycle was given to his friend and the petitioner was not knowing the fact that the same was used for any criminal activities. That apart, there is other infirmities in the search and seizure and the witnesses are none else but the police personnel. Moreover, the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or proceedings of this Court.

05. On the other hand, learned APP for the State opposes the bail application and submits the alleged recovery has been made from the Motorcycle of which the petitioner is the owner.

06. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of petitioner has been implicated in this case in the capacity he being owner of the vehicle, that apart there is other infirmities in the seizure list, coupled with the fair antecedent of the petitioner, 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 Spl. Judge Excise II, Aurangabad in connection with Uphara P.S. Case No. 53 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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