

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71400 of 2023

Arising Out of PS. Case No.-133 Year-2023 Thana- SAHIYARA District- Sitamarhi

VIKASH KUMAR @ VIKASH SAH SON OF PRAMOD SAH RESIDENT
OF VILLAGE - MADHUBANI, P.S. - SAHIYARA, DISTRICT -
SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Umeshanand Pandit, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-11-2023 Heard Mr. Santosh Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Umeshanand
Pandit, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Sahiyara P.S. Case No. 133 of 2023 registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. Allegation is of recovery of 720 litres of Nepali
Saufi wine from a Bolero vehicle bearing Registration No.
GA94D54569 and 36 litres of Nepali Saufi wine from a Honda
Shine motorcycle bearing Registration No. BR30E4981.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is innocent and he has



falsely been implicated in the case. He further submits that the Bolero and the motorcycle from which illicit liquor was recovered are not registered in the name of the petitioner. Petitioner was not present at the place of occurrence where seizure was effected.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and submits that due to sale and consumption of illicit liquor, day after day, hooch tragedy occurs and the State Officers of different department appears to have facilitated smuggling and trade of illicit liquor inside the State of Bihar. As such, involvement of the petitioner cannot be ruled out from illicit trade of liquor.

6. Considering the nature of allegation as alleged against the petitioner as well as the fact the name of the petitioner has appeared in the present case on the basis of secret information gathered during the course of investigation, court below is directed to call for a report from the District Transport Officer, Sitamarhi and if it is found that the aforesaid two vehicles are not stolen one and registered in the name of the petitioner, the petitioner, above named, be released on pre-arrest bail, in the event of his arrest or surrender before the Court



below within a period of six weeks from today, on furnishing bail bond of Rs. 50,000/- (Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Sitamarhi in connection with Sahiyara P.S. Case No. 133 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The bail application stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

