

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75195 of 2023

Arising Out of PS. Case No.-753 Year-2022 Thana- SIRDALA District- Nawada

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Dilip Kumar@ Dilip Prasad son of Lalkeshwar@ Baleshwar Prasad R/O
village- Bahua, P.S.- Sirdalla, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2023 Heard Mr. Birendra Kumar, learned counsel appearing

on behalf of the petitioner and Mr. Rana Randhir Singh, learned

APP for the State.

2. Petitioner seeks pre-arrest bail in connection with

Sirdalla P.S.Case No.753 of 2022, registered for the offences

punishable under Sections 30(a) and 41 of Bihar Prohibition and

Excise Act.

3. As per the allegation made in the FIR, total 150 ltr.

of country-made liquor was recovered from two motorcycles

bearing Registration No.BR 27K 4485 and JH 12B 5370.

4. Learned counsel appearing on behalf of the

petitioner submits that both the motorcycles are registered in the

name of some other persons. Petitioner is neither owner of the

said motorcycle nor he is involved in theft of both the



motorcycles. The recovery of illicit liquor has been made from the *Dicky* of the motorcycles parked on the flank of the road, which is just public place and accessible to anyone.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties as well as the nature of allegation made against the petitioner that he is involved in the trade of illicit liquor, the district court is directed to obtain a report from the District Transport Officer with respect to both the motorcycles bearing registration No.BR 27K 4485 and JH 12B 5370 and if it is found that both the motorcycles bear correct registration number and no one has lodged any FIR of theft of the said motorcycle, the petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge 1st, Nawada in connection with Sirdalla P.S.Case No.753 of 2022 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

7. In case, it is found that the motorcycles are stolen



one and bears any fake registration number, the district court is directed to release the petitioner on pre-arrest bail in connection with Sirdalla P.S.Case No.753 of 2022 on such terms and conditions as as laid down under Section 438(2) of the Cr.P.C. and also taking an undertaking that in future, the petitioner will not be involved in similar offences and considering the fact that three criminal antecedents are pending against the petitioner, the petitioner will file an undertaking of two respectable persons of the same village that he will not be involved in any manner in any criminal case in future.

8. With the above observation/direction, the present application is disposed of.

(Purnendu Singh, J)

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