

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.72663 of 2022

Arising Out of PS. Case No.-225 Year-2022 Thana- CHAINPUR District- Kaimur (Bhabua)

BHOLA SINGH Son of Sant Lal Singh Resident of Village- Basdeva, P.S.-
Shankargarh, District- Allahabad (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-02-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Excise Case No. 3268 of 2022 arising out of Chainpur P.S. Case No. 225 of 2022 registered for the offences punishable under Sections 353, 325, 307, 414 and 34 of the Indian Penal Code and Sections 30(a) and 37 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding the police being on patrolling duty and during the course thereof a motorcycle had arrived which was signalled to be stopped for checking, however, the rider of the said vehicle tried to flee away and in the process had injured one constable, however, the accused persons were apprehended and on search, 7.575 litres of illicit liquor was recovered. As far as the



petitioner is concerned, he is stated to be the rider of the motorcycle in question.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 09.09.2022. The learned counsel for the petitioner has submitted that admittedly the petitioner is merely pillion rider of the motorcycle in question, hence he is not having having any complicity in the act of having dashed the motorcycle with a constable, resulting in him receiving injuries and, moreover, he was not aware that the driver of the said motorcycle was carrying illicit liquor. Nonetheless, it is submitted that the driver of the said motorcycle has already been granted bail by a Co-ordinate Bench of this Court vide order dated 23.12.2022 passed in Criminal Miscellaneous No. 67029 of 2022.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused person, who has already been granted bail by a Co-ordinate Bench of this Court vide order dated 23.12.2022 passed in Criminal Miscellaneous No. 67029 of 2022, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-1-cum-Additional District Judge-IV, Kaimur at Bhabhua in connection with Excise Case No. 3268 of 2022 arising out of Chainpur P.S. Case No. 225 of 2022.

(Mohit Kumar Shah, J)

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