

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76320 of 2023

Arising Out of PS. Case No.-51 Year-2023 Thana- DEODHA District- Madhubani

Arvind Beroliya @ Arvind Bairoliya, S/O Sudhir Bairoliya, R/O Ward No. 08, Marwari Mohalla, P.S- Jainagar, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2023 Heard Mr. Ratnakar Jha, learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with G.R. No. 891 of 2023 arising out of Dewdha P.S. Case No. 51 of 2023, registered for the offences punishable under Sections 272, 273, 414 and 34 of the Indian Penal Code and 30(a) of Bihar Prohibition and Excise Act.

3. It is alleged that in course of patrolling, when the police tried to intercept riders of three motorcycles, all of them by leaving their motorcycle tried to flee away from the place of occurrence, however, out of them, one of the accused persons was apprehended by the police. In course of search, total 360 litres nepali country made wine was recovered.



4. Learned counsel appearing on behalf of the petitioner submits that the name of the petitioner has been implicated in this case on account of he being owner of one of the motorcycle, which was seized at the place of occurrence. He further submitted that in fact on the alleged date of occurrence, the motorcycle was taken by one of the co-villagers and the petitioner was not knowing this fact that the vehicle was used for illegal purpose. Moreover, the petitioner is a man of fair antecedent. He further submits that there are other infirmities in the search and seizure and the witnesses are none else, except the police officials.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the motorcycle of the petitioner was recovered from the place of occurrence from which recovery has been made.

6. 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 in the capacity of he being owner of the motorcycle and save and except the aforesaid fact, there is no other materials suggesting the complicity of the petitioner nor anyone has disclosed that the petitioner was present at the place of occurrence, coupled with



his fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-Cum-Special Judge, Excise Act, Madhubani in connection with G.R. No. 891 of 2023 arising out of Dewdha P.S. Case No. 51 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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