

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76130 of 2023

Arising Out of PS. Case No.-58 Year-2022 Thana- PATNA CITY CHOWK District- Patna

Jawed Alam @ Jaweda Alam Son of Peer Mohammad Resident of Naya Tola,
Phulwari Sharif, Police Station - Phulwari Sharif, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2023 Heard Mr. Santosh Kumar Singh, 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 Chowk P.S. Case No. 58 of 2022, registered for the
offences punishable under Section 30(a) of Bihar Prohibition &
Excise Act, 2016.

3. In course of patrolling, the police intercepted two
persons, who were coming on a motorcycle, however, noticing
the police party, both the persons succeeded in fleeing away
after leaving the motorcycle. On search 15 liters country made
liquor was recovered. The FIR was instituted against owner and
rider of the motorcycle. During the course of investigation, it
has been found that the vehicle, which was seized by the police,



it's registration no. was tampered and in fact the original registration no. of the motorcycle was BR01DU-9124 in the name of the petitioner.

4. It is submitted on behalf of the petitioner that in fact the alleged motorcycle, which was seized by the police that was stolen much prior to the alleged occurrence and for which the petitioner has submitted an application for lodging of the First Information Report but, delay took place at the behest of local police in the registration of the FIR and lastly it was registered on 29.03.2022, bearing Kankarbagh P.S. Case No. 282 of 2022. He next submits that the petitioner has been made accused in this case only on account of he being owner of the motorcycle, which was already stolen prior to the lodging of the present FIR. That apart, none of the witness has identified the petitioner that he was either on the motorcycle or present even in the near vicinity at the time of seizure. He lastly submits that the petitioner is a man of fair antecedent and he undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the alleged motorcycle has been used by making tampering in the



registration no., which was originally owned by the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the FIR has been instituted by the petitioner with regard to the theft of the motorcycle, though belatedly, coupled with the fair antecedent of the petitioner and his undertaking, 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.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna City in connection with Chowk P.S. Case No. 58 of 2022, 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)

shivank/-

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

