

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8185 of 2024

Arising Out of PS. Case No.-189 Year-2022 Thana- GUTHANI District- Siwan

Awadhesh Pratap Singh, S/O Tameshwar Singh R/O Village- Ropanchhapra,
P.S- Lar, Distt.- Deoria (U.P).

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-02-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 30(a) of the Excise Act, 2016 and 37 of the
Amendment Excise Act, 2022.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
allegation is of recovery of 2.8 litres of liquor from a motorcycle
and 200 ml of liquor from Murari Yadav.

4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and he came to be
implicated based on the fact that he is owner of the motorcycle.



It is further submitted that petitioner was completely unaware that Dilip Singh would misuse the vehicle in the manner as alleged, who had taken the motorcycle in name of some work. It is also submitted that no prudent person would use his own vehicle for committing a crime and thus, would create evidence against himself and hence, would get implicated.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No.1, Siwan in connection with Guthni P. S. Case No.189 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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