

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32318 of 2024

Arising Out of PS. Case No.-123 Year-2022 Thana- SIMRA District- West Champaran

Rijwan Ansari Son of Farman Ansari Resident of Village- Mathiya Yogapatti,
Ward No. 12, Police Station- Yogapatti, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Adv.

For the Opposite Party/s : Mr. M. K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-05-2024 Heard Mr. Milind Kumar Mishra, learned Advocate

for the petitioner and Mr. M. K. Nirala, learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Semra P.S. Case No. 123 of 2022, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2022.

3. The police on a secret information that some
persons are indulged in the trade of illicit wine conducted raid.
Noticing the police party, the persons who were riding on a
motorcycle succeeded in fleeing away after leaving the
motorcycle bearing Registration No. BR-22T-8569. In course of
search, 49 litres country made liquor was recovered from the
jute bag which was kept on the motorcycle. It is also also



alleged that one another bag was recovered from which further 49 litres country made liquor was recovered. In this way, total 98 litres of illicit wine was recovered.

4. Learned Advocate for the petitioner contended that only because the petitioner is said to be the owner of the motorcycle, his name has been implicated in this case, though the fact is that the motorcycle in question has already been sold to one Ramjan Ali way back on 25.10.2020 after receipt of Rs. 25,500/-. Despite the sale of the said motorcycle, said Ramjan Ali did not get the ownership transferred through the District Transport Office. It is next contended that during the course of investigation, said Ranjan Ali also confessed before the police that he purchased the motorcycle from the petitioner. The petitioner is a man of fair antecedent and save and except the fact that the motorcycle was earlier purchased by the petitioner, there is no other material suggesting the complicity of the petitioner in the present crime.

5. On the other hand, learned counsel for the State opposes the bail application and submits that such type of transfer of the motorcycle has no validity in the eyes of law.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and



except the material that the motorcycle which was earlier in the name of the petitioner was found indulged in trafficking the illicit liquor, there is no other material suggesting the complicity of the petitioner, coupled with his fair antecedent, let the petitioner abovenamed 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 Special Judge, Excise, Bagaha, West Champaran in connection with Semra P.S. Case No. 123 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)

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