

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37623 of 2024

Arising Out of PS. Case No.-198 Year-2023 Thana- Excise P.S. District- Aurangabad

Gopal Kumar S/o Murari Sharma R/o vill - Kanap, P.S. - Daudnagar, Distt. -
Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Vipin Kumar Singh, Advocate
	Mr. Nikhil Mittal, Advocate
For the Opposite Party/s :	Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. Learned counsel for the petitioner seeks permission to make correction the name of petitioner by adding his alias name as ‘Gopal Sharma’ in course of the day.

03. Permission is accorded.

04. Learned counsel for the petitioner is directed to do so in course of the day and the office is directed to take note of this fact.

05. In the present case, the petitioner is apprehending his arrest in connection with Daudnagar P.S. Case No. 198 of 2023 registered for the alleged offences under Section 30(a), 32(3) of Bihar Prohibition & Excise Act, 2018.

06. As per prosecution case, co-accused was



apprehended carrying 02 liters of illicit *chulai* liquor on his motorcycle, who disclosed that he has purchased the motorcycle from this petitioner.

07. Learned counsel for the petitioner submits petitioner is innocent and has been falsely implicated in this case. It is apparent from the FIR that petitioner has no role in the whole occurrence. The petitioner has already sold the motorcycle to the co-accused Arvind Paswan on 17.12.2020 and affidavit has prepared before the Notary Public and thereafter, the petitioner has no concern with the alleged motorcycle. Learned counsel further submits that no recovery has been made from this petitioner and he has been falsely implicated in this case merely because the status of the vehicle still shows his name as the owner of the motorcycle. The petitioner has got no criminal antecedent.

08. Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP submits that co-accused has no documentary proof of the ownership of vehicle but the record shows the name of petitioner as owner of the vehicle.

09. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



remoteness of allegation and further considering the fact that no recovery has been shown from this petitioner and he has been made accused for the reason that he owns the motorcycle from which the recovery has been made and also considering the submission regarding sale of motorcycle, let the petitioner named above, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Ind, Aurangabad, in connection with Daudnagar Excise P.S. Case No. 198 of 2023, subject to the condition laid down under section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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