

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39055 of 2024

Arising Out of PS. Case No.-85 Year-2021 Thana- RISIYAP District- Aurangabad

Praveen Kumar Mishra Son of Late Bansidhar Mishra Resident of Village -
Amas, Police Station - Amas, District - Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Dipak, Adv.

For the Opposite Party/s : Mr.Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Risiyap P.S. Case No.85 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

03. As per prosecution case, police received secret information about smuggling of illicit liquor on a bolero pickup vehicle. The vehicle was intercepted and its driver was apprehended but two other persons fled away taking advantage of darkness. Two persons escorting the vehicle was also apprehended. On search of the bolero vehicle 225 litres of country made liquor was recovered. The petitioner is stated to be the owner of the vehicle.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely dragged in this case on the ground that he is the owner of the vehicle seized by the police carrying liquor. But the petitioner has sold the vehicle to Mahindra First Choice Sales and Service Centre and part of the consideration amount was paid by the employee Niraj Kumar to the petitioner. As the vehicle was handed over to the employee of the Mahindra First Choice Sales and Service Centre, there remains no concern of the petitioner with the vehicle. The fault of the petitioner is that he did not get the registration no. changed. The learned counsel further submits that the petitioner has brought on record the screenshot of whatsapp chat. Wherein the employee of Mahindra First Choice Sales and Service Centre has admitted all these facts. The petitioner has got clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the absence of material to connect the petitioner with offences as alleged and further possibility of false accusation, let the petitioner above named, 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) each with two sureties of the like amount each to the satisfaction of Court of learned Special Judge Excise II, Aurangabad in connection with Risiyap P.S. Case No.85 of 2021, 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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