

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37461 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- RAGHUNATHPUR District- Siwan

Ravi Kumar S/o Manbodh Gond @ Manabodh Sah R/o Village- Narhan, P.S-
Raghunathpur, Distt.- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Raghunathpur P.S. Case No. 51 of 2024, registered on 04.03.2024 for the offences under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, two persons carrying a plastic sack on motorcycle tried to run away on seeing the police party. One of them was apprehended, who disclosed the name of the petitioner, who escaped from the spot. From the sack, recovery of 78 litres of country made Mahua liquor was found.

4. Learned counsel for the petitioner submits that the petitioner has no concern with the seized liquor or the motorcycle on which the illicit liquor was being transported.



From the FIR it is evident that nothing incriminating has been recovered from the person or possession of the petitioner, who was not present at the spot. The petitioner has been made accused in this case merely on suspicion only on the basis of disclosure of co-accused Sumit Manjhi and nothing has come on record to show the involvement of the petitioner in the illicit trade of liquor. From the facts of the case, no prima facie case appears to be made out against the petitioner. The petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and his clean antecedent, 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 bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. II, Siwan in connection with Raghunathpur P.S. Case No. 51 of 2024, subject to the condition as 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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