

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39249 of 2024

Arising Out of PS. Case No.-116 Year-2022 Thana- MANJHI District- Saran

Vikesh Kumar Singh, S/O Bhagelu Singh, R/O Village- Bhatti Shahbuddin,
P.S. - Baniyapur, Dist- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioner is apprehending his arrest in connection with Manjhi P.S. Case No. 116 of 2022 registered on 02.04.2022 for the alleged offences under Sections 272 and 273 of the Indian Penal Code and Sections 30/30(a)/35(F)/41(1) of the Bihar Prohibition & Excise Amendment Act, 2022.

3. As per prosecution case, during checking of vehicles, a silver colour car was chased and intercepted and co-accused Pruduman Kumar Pandey was arrested who disclosed the name of his two associates. From search of the vehicle, 144 litre of foreign liquor was recovered. The petitioner is stated to be the owner of the vehicle.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent has been falsely implicated in this case. Petitioner is the *bona fide* owner of the vehicle from which the recovery of liquor has been made. It is evident from the FIR that co-accused persons was apprehended and they misused the vehicle of the petitioner and the petitioner was not aware about the wrongful act of the co-accused persons. Moreover, the petitioner was not apprehended from the spot and no recovery has been made from his conscious possession. 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 lack of material to make out *prima facie* case under the provisions of Excise Act against the petitioner and also considering the clean antecedent of the petitioner coupled with possibility of false implication, 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 2nd Exclusive Special Excise Judge, Saran at Chapra/ court concerned, in connection with Manjhi P.S. Case No. 116 of 2022, 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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