

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40789 of 2024

Arising Out of PS. Case No.-529 Year-2020 Thana- BARHARA District- Bhojpur

Govind Kumar Singh, S/o Awadesh Singh, R/o Village-purivi Daljit Tola,
P.S.-Bairiya, District-Ballia, State-Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Singh, Advocate

For the Opposite Party/s : Mr. Anant Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-07-2024 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 Barhara P.S. Case No. 529 of 2020 registered for the alleged offences under Section 30(a) of the Bihar Prohibition & Excise Act.

3. As per prosecution case, four persons riding two motorcycles were signaled to stop but they tried to flee away from the spot and later on all of them were apprehended by the police party. Recovery of 1.5 litres of India made foreign liquor was made from the apprehended co-accused persons and two motorcycles were also seized. The name of the petitioner transpired during investigation as owner of one of the motorcycles.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of this petitioner. Learned counsel further submits that the petitioner has given his motorcycle to one Chhotu Singh for participating in a marriage ceremony and the petitioner has nothing to do with the seized liquor and the co-accused persons from whom recovery of illicit liquor was made. 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 this petitioner and further considering the absence of *prima facie* case 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 Exclusive Special



Judge, Excise Court No.I, Bhojpur at Ara/ court concerned in connection with Barhara (Khawaspur) P.S. Case No. 529 of 2020, 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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