

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39143 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- MAIRWAN District- Siwan

Chunchun Singh, S/O Jagarnath Singh, R/O Village- Chhap Mathiya, P.S-
Mirganj, Distt.- Gopalganj.

... .. 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 : Mrs. Asha Devi, 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 Mairwa P.S. Case No. 06 of 2024 registered for the alleged offences under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

3. As per prosecution case, during checking of vehicles, a three wheeler was intercepted and from the vehicle three persons were apprehended. During search of the three wheeler, recovery of 43.200 litres of India made foreign liquor was made. The co-accused disclosed the name of the petitioner as the owner of the vehicle from whom the co-accused took the vehicle on hire on payment of Rs. 300/- per day.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of this petitioner. The name of the petitioner came up in this case as the owner of the vehicle but it appears from the FIR that petitioner has given vehicle to his nephew for running on payment of Rs. 300/- per day and the nephew of the petitioner misused the vehicle and used it to carry illicit liquor. No offence under the provisions of Excise Act is made out against the petitioner. 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 absence of material showing the involvement of the petitioner and further 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, Siwan/ court concerned, in connection with Mairwa P.S. Case No. 06 of 2024, 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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