

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55093 of 2024

Arising Out of PS. Case No.-900 Year-2023 Thana- FATEHPUR District- Gaya

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Vinod Turiya S/o Ragho Turiya R/o vill - Telni, P.S. - Faterhpur, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 25-09-2024 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 Fatehpur P.S. Case No. 900 of 2023, registered for the alleged offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, police received secret information about 3-4 motorcycle riders bringing liquor from Jharkhand. A trap was laid and three motorcycle riders were found coming with plastic bags tied on their motorcycles. On seeing the police party, all three persons tried to flee away from the spot leaving behind their motorcycles with bags. The co-accused Shankar Kumar was apprehended and on search of the said motorcycles, recovery of 330 liters of country made



mahua liquor was made from the four bags tied on the motorcycles. The apprehended co-accused person disclosed the name of petitioner who fled away from the spot and further disclosed that one of the motorcycles belongs to this petitioner.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case merely on suspicion. The petitioner has no concern either with the seized liquor or the motorcycles seized from the spot. Nothing incriminating has been recovered from the conscious possession of this petitioner. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and denial of the petitioner about ownership of any of the motorcycles seized from the spot and further considering the possibility of false implication, 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-IV, Gaya in connection with



Fatehpur P.S. Case No. 900 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) The bail bond of the petitioner will be accepted after verification of the fact that none of the motorcycles seized in this case belong to this petitioner.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) 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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