

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42452 of 2024

Arising Out of PS. Case No.-55 Year-2024 Thana- SIRDALA District- Nawada

Umesh Prasad, Son of Kailash Prasad, Gender-Male, age 35 years, Resident of Village- Parariya, P.O.- Ramraichack, P.S.- Sirdala, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Barial, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 16-07-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Sirdalla P.S. Case No. 55 of 2024 instituted for the offences punishable under Sections 30(a) and 41 of the Bihar Prohibition and Excise Act, 2016.

3. As the prosecution case, total 105 liters country made liquor was recovered from a motorcycle.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner was neither arrested at the spot nor anything found from the conscious possession of the petitioner. Petitioner was not named in the FIR but only his black blue colored Honda Shine motorcycle has been recovered from the place of occurrence. There is no any independent



witness of the seizure list. Petitioner has got clean antecedent as stated in para 3 of the petition.

5. Learned APP for the State has opposes the prayer for bail.

6. From perusal of the FIR and also perused the impugned order dated 01.05.2024 passed by the learned Exclusive Special Excise Court-1, Nawada, it appears that petitioner is not named in the FIR but during course of investigation (vide para 24 of the case diary), petitioner is found to be the owner of motorcycle bearing Registration No. BR27B-3072 from which 105 liters of country made liquor was recovered. *Prima facie*, it also appears that the petitioner is involved in transportation and sale of liquor.

7. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties as well as involvement of the petitioner in the alleged commission of offence, I am not inclined to grant bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ramesh Chand Malviya, J)

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