

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44617 of 2024

Arising Out of PS. Case No.-147 Year-2024 Thana- DEHRI TOWN District- Rohtas

Mazhar Alam Son Of Tauhid Alam Resident Of Islamganj, Ward No.- 23,
P.S.- Dehri (TOWN), District- Rohtas At Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-07-2024 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 Dehri (Town) P.S. Case No. 147 of 2024, registered on 25.02.2024 for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act.

03. As per prosecution case, police received secret information about transportation of illicit liquor on a green colour tempo. The said vehicle was intercepted. A person running away from the tempo was apprehended. On search of the tempo recovery of 22.6 litres of country made liquor was made. The petitioner is stated to be the owner of the tempo.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case.

Nothing incriminating has been recovered from the conscious or physical possession of the petitioner. Recovery has been shown from the tempo but the petitioner was neither driving the tempo nor present in the said tempo at the time of the occurrence. He has been made accused only because of the fact that he is the owner of the said tempo. The petitioner has never indulged in any kind of sale or purchase of country made liquor and has not committed any offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act. Learned counsel further submits that the tempo of petitioner is used for commercial purpose and driver of the tempo namely co-accused Tuntun Bind was driving the tempo at that time but he was not permitted by the petitioner to carry illicit liquor. Petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the remoteness of allegation and further considering possibility of false accusation, 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) each with two sureties of the like amount each to the satisfaction of Court of

learned Exclusive Special Judge, Excise Court No.-1, Rohtas at Sasaram in connection with Dehri (Town) P.S. Case No. 147 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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