

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51695 of 2024

Arising Out of PS. Case No.-59 Year-2024 Thana- RIGA District- Sitamarhi

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Jitendra Yadav @ Jitendra Kumar @ Jitendra Kam, aged about 23 years,
Gender-Male, Son Of Harkit Rai, Resident Of Village - Sirahi, P.S. - Riga,
District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 21-08-2024 Heard learned counsel appearing on behalf of the

petitioner and the learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Riga P.S.Case No. 59 of 2024, registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. As per the allegation made in the FIR, 176 Ltrs. of
Nepali Saufi liquor were seized from a motorcycle bearing
Registration No. BR22D9023, Chassis No.
MB2DJN22DCM61194, Engine No. JNGBPM70292 and Alto
XT Car bearing Registration No. BR024H-2733, Engine No.
F8DN3704536, Chassis No. MA3EYD8150143317G9 and
chaukidar had disclosed the name of the petitioner and other co-



accused, who managed to flee away from the place of occurrence.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has clean antecedent and due to enmity, the petitioner has been dragged in a false case. Learned counsel further submitted that the seized vehicle does not belong to him or it is registered in his name. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Having considered the rival submissions made on behalf of the parties, as well as, considering the nature of allegation, I find it proper that the learned Exclusive Special Excise Court No.1, Sitamarhi must proceed to -

(I) Call for the report in respect of the motorcycle bearing Registration No. BR22D9023, Chassis No. MB2DJN22DCM61194, Engine No. JNGBPM70292 and Alto XT Car bearing Registration No. BR024H-2733, Engine No. F8DN3704536, Chassis No. MA3EYD8150143317G9, as mentioned in the seizure list, from the District Transport Officer, Sitamarhi.

(II) On the basis of the said report, he must verify on



his own whether the said vehicle is registered in the name of the petitioner or in the name of any of the co-accused.

(III) On the basis of the information gathered from the report, if it is found that the vehicle is not registered in the name of the petitioner and if it is found that the vehicle is stolen one, he is directed to verify it from the Superintendent of Police, Sitamarhi and the concerned District Transport Officer on the basis of the Registration Number, Engine Number and the Chesis Number of the vehicle involved in smuggling of illicit liquor. The petitioner has pleaded his innocence that he is in no manner connected with the alleged incidence.

7. Considering the aforesaid facts, I direct the learned Exclusive Special Excise Court No.1, Sitamarhi to pass fresh order without being prejudiced with the earlier order on pre-arrest bail in connection with Riga P.S. Case No.59 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and as he deems fit and proper.

8. With the above observation/direction, the present bail application stands disposed of.

(Purnendu Singh, J)

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