

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51381 of 2024

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

1. Subodh Rai @ Mukesh Rai, aged about 27 years, Gender-Male, Son of Ram Pratap Rai, resident of Village- Sirahi, P.S.- Riga, District- Sitamarhi
2. Chanchal Singh @ Chanchal Kr @ Chanchal Kr Singh, aged about 28 years, Gender-Male, Son of Radhe Singh, resident of Village- Sirahi, P.S.- Riga, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 21-08-2024 Heard learned counsel appearing on behalf of the
petitioners and the learned APP for the State.

2. The petitioners seek 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 petitioners, who managed to flee away from the place of occurrence.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioners have clean antecedent and due to enmity, the petitioners have been dragged in a false case. Learned counsel further submitted that the seized vehicle does not belong to them or it is registered in their name. On these grounds, petitioners seek 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 petitioners 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 petitioners 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 petitioners have pleaded their innocence that they are 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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