

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51174 of 2024

Arising Out of PS. Case No.-130 Year-2024 Thana- HARSIDHI District- East Champaran

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Vinay Sah @ Vinay Kumar Son of Daroga Sah Resident of Vill- Rani Chapra,
Malikan Tola, P.S.- Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-08-2024 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 Harsidhi P.S. Case No. 130 of 2024 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

03. As per prosecution case, police received information about petitioner bringing liquor on a Scooty and keeping it in front of his shop. A raid was conducted and it is alleged that the petitioner fled away from the spot. From the search of the Scooty recovery of 1.8 litre of English liquor was made.

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

possession of the petitioner. Though, it is said that the recovery has been made from dickey of the Scooty belonging to this petitioner but the petitioner denies this fact and submits that the seized Scooty does not belong to this petitioner. Since the petitioner is running a light refreshment shop and the alleged recovery has been made from a place in front of his shop, he has been made accused. Learned counsel further submits that the search and seizure has not been made in accordance with Section 100 of the Cr.P.C. The 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 fact that no recovery has been shown from this petitioner and further considering the submission that the Scooty does not belong to this petitioner and 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) each with two sureties of the like amount each to the satisfaction of Court of learned Exclusive Special Judge, Excise Court No. 1, East Champaran at Motihari in connection with Harsidhi P.S. Case No. 130 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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