

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51982 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- BARHARA District- Bhojpur

Vishal Kumar Singh, Son of Satyendra Singh, R/O Vill.- Nathmalpur, P.s.-
Barahara, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate

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

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.

2. In the present case, the petitioner is apprehending his arrest in connection with Barhara P.S. Case No. 3 of 2024 registered for the alleged offences under Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2018.

3. As per prosecution case, police received secret information about petitioner carrying illicit liquor on his motorcycle. Police tried to intercept a motorcycle on which a person was carrying a gunny bag. The person fled away leaving behind the motorcycle and the bag from which 40 litres of country made *Mahua* liquor was recovered. The name of the petitioner disclosed by the villagers and the local *Chowkidar*.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person or possession. The petitioner is not the owner of the seized motorcycle and has no concern with the recovered liquor. Search and seizure has not been made in accordance with provisions of Section 100 of Cr.P.C. Petitioner is having criminal antecedent of one case in which he is on bail.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and also considering the possibility of false implication, let the petitioner named above, 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1st Bhojpur at Ara/court concerned in connection with Barhara P.S. Case No. 3 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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