

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61358 of 2024

Arising Out of PS. Case No.-343 Year-2023 Thana- WARISNAGAR District- Samastipur

Vishal Kumar Ray S/o Pashupati Narayan Ray Resident of Village Pratappur
Muktapur, P.S. - Warisnagar, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Adv.

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Warisnagar P.S. Case No. 343 of 2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. The police on a tip-off trafficking of illicit wine, intercepted one Mahindra XUV car. On noticing the police party, one of the persons who was seated in the vehicle succeeded in fleeing away, in the meantime, two persons who were riding on the motorcycle also came there. However, on being found the police indulged in checking the vehicle, they also succeeded in fleeing away after leaving the motorcycle on the road. On search, total 329.4 litres of Indian Made Foreign



Liquor was recovered from the SUV car whereas 9 litres of Indian Made Foreign Liquor was recovered from the motorcycle.

4. Learned counsel for the petitioner referring to the FIR, contended that the person who was apprehended from the SUV car, disclosed the name of the person who succeeded in fleeing away as Chandramani Kumar and the two persons who were sitting on the motorcycle, their names have been disclosed as Banti Kumar and Ravi Kumar. The petitioner was not even present on the alleged place of occurrence. However, only on account of he being owner of the motorcycle, the name of the petitioner has been implicated in this case. In fact, on the alleged date of occurrence, the motorcycle was taken away by one of the friends of the petitioner and he was not even knowing that the motorcycle was used for any illicit purpose. It is further contended that the petitioner is a man of fair antecedent and he has no concern with the illicit wine, which is said to have been recovered from the vehicles. There are other infirmities in the search and seizure.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that the name of the petitioner has been implicated in this case only on account of he being owner of the motorcycle and the person who was apprehended at the place of occurrence, did not disclose the name of the petitioner, coupled with his fair antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-02, Samastipur in connection with Warisnagar P.S. Case No. 343 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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