

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56615 of 2024

Arising Out of PS. Case No.-148 Year-2024 Thana- PARANDABAR District- Nawada

Umesh Singh Son of Basudeo Singh Resident of village - Kalaunda, P.S.-
Parnadabar, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-09-2024 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 Parnadabar P.S. Case No. 148 of 2024 registered for the alleged offences under Sections 30(a)/41 of the Bihar Prohibition & Excise Act, 2016.

3. As per prosecution case, while the police party was going to conduct a raid, a motorcycle rider tried to run away on seeing the police party. The motorcycle tumbled but the person riding the motorcycle was able to flee away from the spot. From the jute sack tied with the motorcycle, recovery of 20 litres of country made liquor was made. The local villagers named this petitioner who fled away from the spot leaving behind the motorcycle.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent has been falsely implicated in this case. Petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. Petitioner has no concern either with the seized liquor or the seized motorcycle. There is no material against the petitioner to connect him with the offence as alleged. No offence under the Bihar Prohibition and Excise Act is made out against the petitioner. Petitioner is having clean antecedent.

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 lack of substantive material to connect the petitioner with the offence as alleged and also considering the fact that no recovery has been shown from the petitioner as well as 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-I, Nawada/ court concerned, in



connection with Parnadabar P.S. Case No. 148 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.

If the recovered motorcycle is found to be belonging to this petitioner or his family members, the bail bond of the petitioner will not be accepted.

(Arun Kumar Jha, J)

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