

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56689 of 2024

Arising Out of PS. Case No.-177 Year-2024 Thana- BHAGWANPUR District- Vaishali

Shiv Kumar Rai @ Shiv Kumar Ray, S/o Randhir Rai, Resident of village -Rahasa, P.S. - Bhagwanpur, Distt. - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate
For the Opposite Party/s : Mrs. Renu Kumari, 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 Bhagwanpur P.S. Case No. 177 of 2024 registered for the alleged offences under Sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act, 2018.

3. As per prosecution case, police received secret information about petitioner and co-accused bringing huge quantity of country made liquor in a tempo vehicle and keeping it in a mango orchard. A raid was conducted and two persons fled away from the spot. On search of the tempo, 150 litres of country made liquor was made. Petitioner was identified by the



local *chowkidar* who fled away from the spot.

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. The name of the petitioner transpired on the basis of statement of local *chowkidar*. Petitioner has no concern with the seized liquor. Petitioner is neither the owner nor the driver of the seized tempo. There is no material to show the complicity of the petitioner in the offence as alleged. 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 No.-I-cum-Additional Sessions Judge, Vaishali at Hajipur/ court concerned, in connection with Bhagwanpur P.S. Case No. 177 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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