

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65446 of 2024

Arising Out of PS. Case No.-157 Year-2024 Thana- PARIHAR District- Sitamarhi

Kaushal Kumar Son of Sogarath Rai Resident of Village - Dharharba, Ward
No.14, P.S. - Parihar, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Adv.
For the Opposite Party/s : Mr. Prem Kumar Jha, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in brief, is that on the basis of the
secret information, the informant along with other police
officials proceeded towards Masaha and on arrival, they saw
that four persons on different motorcycles proceeded towards
village Masaha. Seeing the police party, all the accused persons
started fleeing away leaving their motorcycles on road. Out of
them, two were apprehended. On search, 81 litres of illicit liquor
each has been recovered from the motorcycles of the
apprehended persons, whereas 81 litres and 90 litres of illicit
liquor have been recovered from two other motorcycles left by



two miscreants.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is totally false and based on concocted facts. None of the seized motorcycles belong to the petitioner. He was not apprehended on the spot. There is nothing on record to indicate the complicity of the petitioner barring the confessional statements of the apprehended persons which has no evidentiary value in the eye of law. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Petitioner is agreed to deposit a sum of Rs.5,000.00 (Rupees Five Thousand) in account of Mahavir Cancer Sansthan, Patna bearing Account No. 3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

6. Having regard to the facts and circumstances of the case, 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 six weeks from today, on furnishing bail bond



of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Parihar P.S. Case No. 157 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Mahavir Cancer Sansthan, Patna.

(Anjani Kumar Sharan, J)

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