

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73328 of 2024

Arising Out of PS. Case No.-312 Year-2024 Thana- VAISHALI District- Vaishali

Chandan Kumar S/o Kishori Ray R/o village- Rahimpur, PS and District -
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Vaishali P.S. Case No. 312 of 2024 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act.

3. As per prosecution case, there is alleged
recovery of 100 liters illicit liquor from Hero Glamour
motorcycle in question and petitioner was apprehended on the
spot.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has not committed any offence as
alleged in the first information report. Petitioner was merely a
passer-by and when he reached near the alleged place of



occurrence, he was apprehended by the police on suspicion. Petitioner is not owner of motorcycle in question and he has no concern with the alleged recovery. Seizure list has not been made as per law. Learned counsel further submits that prior to present case, petitioner had no criminal antecedent, except Hajipur Town P.S. Case No. 445 of 2024 which was registered under section 379 I.P.C. against unknown for theft of the alleged motorcycle in question, in which he has been remanded. Petitioner is in custody since 13.08.2024.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that petitioner was apprehended with the motorcycle in question without having number plate and he failed to produce any valid document regarding the said motorcycle. In this way, he has committed theft of the motorcycle in question and he was apprehended with alleged illicit liquor. In the light of the aforesaid facts, petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the



like amount each to the satisfaction of Exclusive Special Judge
Excise Court No. II, Vaishali in connection with Vaishali P.S.
Case No. 312 of 2024, subject to following conditions:-

(i) One of the bailors shall be either father or
mother or sister or brother or wife or the person who has sworn
the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will
remain present on all dates and absence for two consecutive
dates without appropriate permission, would be a ground for
cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tamper with the evidence or
the witnesses, in that case, the prosecution will be at liberty to
move for cancellation of bail.

(Alok Kumar Pandey, J)

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