

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75776 of 2024

Arising Out of PS. Case No.-266 Year-2024 Thana- Excise P.S. District- Khagaria

Ritik Kumar Son of Pankaj Kumar Singh r/O-Village-Bishnupur Ahok, Ward
number 13, P.S. -Sahebpur Kamal, Distt. -Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Khagaria Excise P.S. Case No. 266 of 2024, registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the prosecution case, during checking of vehicles, two persons riding a motorcycle and carrying a bag in between them tried to flee away from the spot on seeing the police party. One of the persons was apprehended after chase and the second person fled away from the spot. Petitioner is the apprehended person and recovery of 50 litre country made liquor was made from the plastic bag kept on the motorcycle.

4. Learned counsel appearing on behalf of the



petitioner submits that petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from person or possession of this petitioner. From the FIR it appears that recovery has been made from a sack being carried on the motorcycle but the petitioner has no concern either with the seized motorcycle or the recovered article. The other co-accused person who had been carrying the illicit liquor fled away from the spot throwing the bag containing illicit liquor. Petitioner is having clean antecedent and is in custody since 26.08.2024

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and also considering his period of custody and his clean antecedent, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Special Excise Judge-II, Khagaria/concerned court, in connection with Khagaria Excise P.S. Case No. 266 of 2024, subject to the condition laid



down under Section 437(3) 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 below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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