

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78709 of 2024

Arising Out of PS. Case No.-3 Year-2023 Thana- CHEWARA District- Sheikhpura

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Ashok Kumar Ghiriya S/o- Late Niwas Ghiria Vill- Dharamshala Road
Dumka Ps- Dumka Dist- Dumka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Bipin Kumar, Advocate
		Ms. Savita Kumari, Advocate
For the Opposite Party	:	Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-11-2024 Heard learned counsel for the Petitioner and learned
APP for the State.

2. The Petitioner apprehends his arrest, in connection with Chewara P.S. Case No. 03 of 2023 dated 11.01.2023, registered for the offences punishable under Sections 30(a), 32(ii), 41(i) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per allegation 811.125 liters of Indian Made Foreign Liquor has been recovered from vehicle.

4. Learned counsel for the Petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is neither owner of the vehicle nor anyway involved in the alleged occurrence. He



also submits that he had already sold the vehicle in question to one Sonu Kumar Son of Devnandan Yadav, village- keshopur, much prior to the alleged occurrence. However, his name is still shown as owner by the Transport Authority, because he could not give information to the Transport Authority under Section 29 and 30 of the Motor Vehicles Act. Hence, he has apprehension that the police under misconception of fact can arrest him. He further submits that another co-accused, namely, Shyam Babu Singh and Bipin Kumar Paswan have already been enlarged on bail by this Court as well as a co-ordinate Bench of this Court vide order dated 10.05.2023 and 12.05.2023 passed in Cr. Misc. No. 20693 of 2023 and Cr. Misc. No. 17917 of 2023, respectively.

5. It has also been stated in paragraph no.3 of the bail petition that the Petitioner has no criminal antecedent.

6. It is also stated in paragraph no. 2 of the bail petition that the Petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the Petitioner, above



named, to be enlarged on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Sheikhpura, in connection with Chewara Police Station Case No. 03 of 2023, subject to the conditions as laid down under Section 438 (2) Cr. PC and the following conditions:

(i) In case, it is brought to the notice of the court below that the Petitioner has given wrong statement regarding his criminal antecedents, Ld. court below shall cancel the bail bond of the Petitioner after hearing him and getting satisfied that the Petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the Petitioner.

(Jitendra Kumar, J.)

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