

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75772 of 2024

Arising Out of PS. Case No.-63 Year-2024 Thana- PALANWA District- East Champaran

Pradeep Kumar @ Pradeep Sah S/O Moti Sah R/O Village- Sikata, P.S-Sikata,
Dist- West Champaran, Bettiah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, 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 Palanwa P.S. Case No. 63 of 2024, registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, during checking of vehicles the petitioner was found carrying 45 litre of country made Nepali liquor on motorcycle. On seeing the police party, petitioner fled away from the spot leaving behind the motorcycle and illicit liquor.

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. Merely on the ground that petitioner is the owner of the motorcycle he has been fastened with the liability of recovery though nothing has been recovered from the motorcycle or from the possession of this petitioner. The petitioner is in custody since 30.08.2024 and he has no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that recovery was made from the motorcycle of the petitioner who fled away from the spot leaving behind the motorcycle.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that petitioner was not apprehended from the spot and further considering his clean antecedent and period of custody of the petitioner, 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 Exclusive Special Excise Judge, Court No.-2, East Champaran, Motihari/concerned court, in connection with Palanwa P.S. Case No. 63 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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