

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80820 of 2024

Arising Out of PS. Case No.-91 Year-2024 Thana- SINDHUGAR District- Gaya

Ravi Kumar Son of Umesh Prasad Resident of Mohalla- Chotki Nawada,
P.S.- Delha, District- Gaya,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Adv.
For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-12-2024 Heard learned counsel appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Sindhugarh P.S. Case No. 91 of 2024, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Amendment Act, 2018.

3. During the course of patrolling the police on receipt
of a secret information that some persons are carrying illicit
wine on their respective motorcycles, intercepted two
motorcycles bearing Registration No. BR02BD-3410 and
BR21H-8042. However, after noticing the police party, the
persons who were riding the respective motorcycles succeeded
in fleeing away. On search total 7.455 litres Indian made foreign

liquor was recovered.

4. Learned counsel appearing on behalf of the petitioner submits that the name of the petitioner has been implicated in this case only on account of he being owner of the motorcycle bearing Registration no. BR02BD-3410. It is further contended prior to the alleged date of occurrence, the motorcycle was handed over to one Chhotu Kumar Keshari on 03.08.2024 and the petitioner was not even aware that his motorcycle was got used in any illegal purpose. There is no compliance of Section 103 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). The petitioner bears fair antecedent and undertakes that he will fully cooperate in the Court proceeding.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submitted that the petitioner is the owner of the motorcycle which was seized by the police from where the illicit wine was recovered.

6. Regard being had to the submissions made on behalf of the parties and considering the fact the petitioner bears fair antecedent and the infirmities in the search and seizure, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this

order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise, Court No. V, Gaya in connection with Sindhugarh P.S. Case No. 91 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J.)

Jyoti Kumari/-

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