

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2827 of 2024

Arising Out of PS. Case No.-41 Year-2023 Thana- VISHAMBHARPUR District- Gopalganj

Gorakh Ram S/O Indradev Ram R/O Village- Gauri, P.S- Mohammadpur,
Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Vishambharpur P.S. Case No. 41 of 2023, registered for the alleged offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, co-accused persons were apprehended with illicit liquor and one of the co-accused, Shailesh Kumar Ram, is the son of this petitioner and the petitioner is the owner of motorcycle from which recovery of 5.4 liters of India made foreign liquor was made.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioner has



been made accused in this case merely because he is the owner of the motorcycle having Registration No. BR-28 S-9674. The son of the petitioner was apprehended with the motorcycle and recovery of illicit liquor has been made from the said motorcycle as alleged by the prosecution. The petitioner was not present at the place of occurrence and nothing incrimination has been recovered from his person or possession. The petitioner has no concern with the other co-accused persons and other motorcycle seized from the spot. The petitioner has got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the remoteness of allegation against the petitioner and possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV-cum-Exclusive Special Judge, Excise Court No. II,



Gopalganj/concerned court in connection with Vishambharpur
P.S. Case No. 41 of 2023, subject to the condition laid down
under Section 438(2) 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 court below, if so
required by the learned trial court.

(Arun Kumar Jha, J)

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