

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32194 of 2025

Arising Out of PS. Case No.-724 Year-2024 Thana- Excise P.S. District- Siwan

Bulet Kumar S/O Gajadhar Shah Resident Of Village- Dhanav, P.S.- Barharia,
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Matloob Rab, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-05-2025 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 Excise P.S. Case No. 724 of 2024 registered for the alleged offences under Section 30(a), 32(3) of the Bihar Prohibition and Excise Act.

03. As per prosecution case, two persons each riding two motorcycles were stopped and a search was made of the belongings of these petitioners. From the travellers of first motorcycle, recovery of 17.280 litres of India made foreign liquor was made. Similarly, from the persons riding the other motorcycle, 27 litre of country made liquor was recovered. The petitioner is stated to be the owner of the first motorcycle

04. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner has been made accused in this case only due to the fact that he is the owner of the vehicle but the petitioner was not present at the spot and nothing incriminating has been recovered from his person or possession and the petitioner has no concern with the illicit liquor recovered from his motorcycle. For this reason, no offence under Section 30(a) of the Bihar Prohibition and Excise Act is made out against the petitioner. The petitioner has got no criminal antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from possession of this petitioner and also considering the clean antecedent and possibility of false accusation, 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) each with two sureties of the like amount each to the satisfaction of Court of learned Exclusive Special, Excise Court No.-II, Siwan in connection with Excise P.S. Case No. 724 of 2024 subject to the condition laid down under Section 482(2) of the B.N.S.S. 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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