

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64101 of 2023

Arising Out of PS. Case No.-569 Year-2023 Thana- ARA NAWADA District- Bhojpur

Lavkush Kumar Singh @ Lawkush Singh S/O Parmatma Singh R/O Village
And Po- Ishwarpura, Ps. Shahpur, Dist. Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Adv.

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-10-2023 Heard Mr. Hemant Kumar, learned counsel appearing
on behalf of the petitioner and Ms. Suman Kumari Singh,
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Ara/Nawada P.S. Case No. 569 of 2023, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2022.

3. The police, on a secret information regarding the
transportation of illicit liquor through a car, seized the same. On
search, total 1.25 litres illicit Indian made foreign liquor and one
Aadhar Card in the name of the petitioner was recovered.

4. It is submitted on behalf of the petitioner that the
petitioner has neither any concern with the vehicle in question
nor with the alleged illicit wine. He further submits that only



because of one past criminal antecedent, his name has been implicated in this case on the basis of photocopy of Aadhar Card which has been furnished in different places in connection with earlier cases. He also submits that there is no compliance of the provision of Section 100 Cr.P.C. as all the witnesses are police personnel. That apart, the petitioner undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the petitioner appears to be a habitual offender as he also bears a criminal case of identical nature.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has neither any concern with the vehicle in question nor with the alleged recovered wine, apart from other infirmities in the search and seizure, let the petitioner abovenamed 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. 1, Bhojpur, Ara in connection with



Ara/Nawada P.S. Case No. 569 of 2023, 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)

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