

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65263 of 2023

Arising Out of PS. Case No.-332 Year-2023 Thana- NAVINAGAR District- Aurangabad

Atal Singh, S/O Manikachand Singh, R/O Village- Khaira, P.S- Narari Kala
Khurd, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Anand, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-10-2023 Heard Mr. Amit Anand, learned counsel appearing
on behalf of the petitioner and Mr. Md. Shakir Ahmad, learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Nabinagar P.S. Case No. 332 of 2023, registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

3. The allegation against the petitioner is of trafficking
of illicit liquor. On raid being conducted, 132.34 litres of illicit
liquor has been recovered from a Swift Desire car, bearing
registration no. BR-24AD3696. The petitioner is said to be
owner of the said car.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner has been made accused in



this case only in the capacity of he being owner of the car, in question, from where the alleged recovery has been shown. In fact on the fateful day, the car was taken away by the driver of the petitioner and he was not knowing the fact that his car has been used for any illegal purpose. That apart, the petitioner is a man of fair antecedent and moreover the seizure list witnesses are none else, but the police constables and, as such, there is no compliance of Section 100 of the Cr.P.C.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is a man of fair antecedent and alleged recovery has been made from the car, which was being run by the driver, without the consent of the petitioner, apart from the other infirmities in 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 Special Judge, Excise Court No.-1, Aurangabad in connection with Nabinagar



P.S. Case No. 332 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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