

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64681 of 2023

Arising Out of PS. Case No.-308 Year-2023 Thana- RANIGANJ District- Araria

Chhotu Kumar Thakur Son of Chitranjan Thakur Resident of Village-
Majhuwa West Ward No. 10 Kala Baluwa, P.S- Raniganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-10-2023 Heard Mr. Mukesh Kumar Rana, 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 Raniganj P.S. Case No. 308 of 2023 registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

3. In course of patrolling the police intercepted a
tempo. However, noticing the police party the driver of the
tempo succeeded in fleeing away. In course of search, total
18.750 liters of foreign liquor and Beer were recovered.

4. It is submitted on behalf of the petitioner that the
petitioner has been implicated in this case in the capacity of he
being the owner of the tempo, in question. He submits that the



tempo was being run for carrying the passengers / goods by the driver and he was not even knowing this fact that his tempo was being used for any other illegal purpose. That apart, the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the Court. He lastly, submits that there are other several infirmities in the search and seizure.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the recovery has been made from the tempo, which is owned by the petitioner.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration that the tempo was being run by the driver for the purpose of carrying passengers / goods, coupled with the fair antecedent, 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 Judge, Excise -1, Araria in connection with Raniganj P.S. Case No. 308 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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