

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71639 of 2023

Arising Out of PS. Case No.-697 Year-2023 Thana- Excise P.S. District- Aurangabad

Ajit Kumar, Male, aged about 23 years, Son of Laldeo Singh, resident of Village- Obra, P.S- Obra, District- Aurangabad(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Gulnar Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-11-2023 Heard Mr. Birendra Kumar Singh, learned counsel appearing on behalf of the petitioner and Ms. Gulnar Begum, learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with Aurangabad Excise P.S.Case No.697 of 2023, registered for the offences punishable under Section 30(a) of Bihar Excise (Amendment) Act, 2018.

3. Prosecution story in brief is that on secret information, the police raided and seized 820.800 ltr. english wine from a Scorpio vehicle bearing Registration No. UP62AK-8674 and an Alto 800 vehicle bearing Registration No. WB56G-9283, but the petitioner and other accused persons fled away.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Nothing was recovered



from the conscious possession of the petitioner. Petitioner has no concern either with the alleged seized liquor or with the alleged seized two vehicles from which altogether 820.800 litres of Indian made foreign liquor was recovered. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioner on the ground of complicity of the petitioner in the said smuggling of the illicit liquor, as after consuming the liquor, several poor people have died in the State of Bihar.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that in the State of Bihar, the Government has failed to implement the prohibition of illicit liquor and due to negligence of the police officials and the excise department and not because of the petitioner, the tragedy of death had happened in the State of Bihar. In paragraph no.3 of the petition, it has been pleaded that the petitioner bears clean antecedent. The learned District court is directed to call for the report from the District Transport Officer with respect to the owners of the Scorpio vehicle bearing Registration No. UP62AK-8674 and Alto 800 vehicle bearing



Registration No. WB56G-9283. Till then, the petitioner, above named, is directed to be released on **provisional bail**, in the event of his arrest or surrender before the Court below within a period of six weeks from today, on furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No. 2, Aurangabad (Bihar), in connection with Aurangabad Excise P.S.Case No.697 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. In case, it is found that the registration numbers of the two vehicles are genuine and the said vehicles are owned by any other person, the provisional bail granted to the petitioner shall be made absolute on such terms and conditions as the learned District Court deems it fit and proper and in case, it is found that the registration number of the said vehicle is tampered, in that case, complicity of the petitioner in smuggling of the illicit liquor can not be denied.

8. With the above observation/direction, the present bail application stands disposed of.

(Purnendu Singh, J)

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