

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33480 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- ARA NAWADA District- Bhojpur

Vikas Kumar @ Vikash Kumar Son of Pahalad Ram Resident of Muhalla -
Ward No.- 23 Shivganj Ambedkar Colony, P.S.- Ara Nawada, District -
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajay Kumar No. 2, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-05-2024 Heard Mr. Ajay Kumar Singh, 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 Ara Nawada P.S. Case No. 33 of 2024, registered for the
offences punishable under Sections 30(a) of the Bihar Excise
Act.

3. Allegedly in course of patrolling the police
intercepted the tempo bearing registration no. BRO 3 PB –
1480. Noticing the police party some of the persons who were
seated in the tempo succeeded in fleeing away, however one of
the person who was apprehended by the police disclosed the
name of the petitioner as owner of the tempo in question.



4. Learned counsel for the petitioner contended that the name of the petitioner has been implicated in this case only on account of he being owner of the tempo. There is no material suggesting the complicity of the petitioner in carrying the illicit wine. It is further contended that in fact the tempo was being run by the driver for carrying passengers and goods. Some of the passengers who were seated in the tempo were carrying some goods and as the driver was not aware as to what they were carrying, no criminal liability can be fasten against the petitioner. It is further contended that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation.

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 name of the petitioner has been implicated only on account of he being owner of the tempo, which runs for carrying the passengers or the goods, 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 Excise Court No.1st Bhojpur at Ara in connection with Ara Nawada P.S. Case No. 33 of 2024, 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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