

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31698 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- Excise P.S. District- Rohtas

Awadhesh Ram Son of Munshi Ram Resident of Mohalla- Lashkariganj ,
P.S.- Sasaram Town , Dist.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-05-2024 Heard Mr. Rajani Kant Singh, learned counsel
appearing on behalf of the petitioner and Mr. Damodar Prasad
Tiwary, learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Excise Case No. 82/2024 arising out of Excise P.S. Case
No. 35/2024, registered for the offences punishable under
Section 30(a) of Bihar Prohibition and Excise Amendment Act,
2018.

3. It is alleged that the police on a secret information
intercepted an e-rickshaw bearing registration no. BR24ER-
2709. After search, 45 litres country made liquor was recovered.
The apprehended persons disclosed the name of the petitioner as
owner of the e-rickshaw.

4. Learned counsel appearing on behalf of the



petitioner submits that the name of the petitioner has been implicated in this case on account of he being the owner of the e-rickshaw. The e-rickshaw was being run on rent and the petitioner being the owner was not even knowing as the same was being used for any illicit purposes. It is further contended that during investigation no material has come suggesting that the alleged recovered incriminating material belongs to the petitioner or the petitioner has any complicity of the sale and purchase of the illicit liquor. Attention has also been drawn to the seizure list suggesting irregularities crept therein. It is lastly contended that the petitioner has clean antecedent.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that in view of the judgment of Full Bench of this Hon'ble Court in case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019 (2) PLJR 1089 (Full Bench)**, the anticipatory bail is not maintainable.

6. Regard being had to the submissions made on behalf of the parties at the Bar and taking into consideration the fact that the e-rickshaw was being run on rent and there is no direct material suggesting the complicity of the petitioner constituting any offence under Section 30 (a) of the Bihar



Prohibition and Excise Amendment Act, 2018. This Court finds that the mandate of the Full Bench of this Court does not bar any anticipatory bail if the case under Section 30 (a) is not made out, 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 Court No. 1, Rohtas at Sasaram in connection with Excise Case No. 82 of 2024 arising out of Excise P.S. Case No. 35 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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