

**1. IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.31611 of 2024**

Arising Out of PS. Case No.-215 Year-2023 Thana- PARSA District- Saran

Triloki Ray son of Late Bindeshwari Ray Resident of Village- Sarai Muzaffar,  
P.S.- Dariyapur, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Nalin Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
ORAL ORDER

2      19-07-2024                      Heard the learned Advocate for the petitioner and the  
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Parsa P.S. Case No. 215 of 2023, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The police on a secret information intercepted a Mahindra Tempo bearing Registration No. BR29GB-7208. On search, total 150 liters of Indian made foreign liquor was recovered. The driver of the tempo succeeded in fleeing away. The petitioner is said to be owner of the tempo, in question.

4. Learned Advocate for the petitioner contended that only on account of the petitioner being owner of the tempo, in question, his name has been implicated in this case. However,



the tempo, in question, runs for the purposes of carrying passengers on fare by the driver. The petitioner was not even knowing as to whether any illicit wine was being carried by any passenger or the driver. There is no ingredient constituting any offence under any of the penal provision of the Excise Act, 2016 and, as such, there is no impediment in the entertainment of the anticipatory bail is the contention of the learned Advocate. It is lastly contended that only because of one past criminal antecedent, his name has been implicated in this case, though he is on bail in the said case.

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 tempo, in question, runs for carrying passengers on fare and save and except the allegation of petitioner being owner of the tempo, there is no material suggesting his complicity. Moreover, the petitioner undertakes that he will fully co-operate in the investigation or in the proceeding of the Court, 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 3<sup>rd</sup> Exclusive Special Excise Judge, Saran at Chapra in connection with Parsa P.S. Case No. 215 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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