

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33265 of 2024

Arising Out of PS. Case No.-89 Year-2024 Thana- Excise P.S. District- Aurangabad

Yasvindra Kumar Singh Son Of Late Janeshwar Singh Resident Of Village-
Poldih, P.S.- Hussainabad, Dist- Palamu , Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 28-05-2024 Heard Mr. Pramendra 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 Aurangabad Excise P.S. Case No. 89 of 2024, registered for
the offences punishable under Sections 30(a), 32(1) and 32(3) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. In course of vehicle checking, the police
intercepted a tempo. On search, total 25.920 liters of country
made liquor was recovered from the tempo. The police also
apprehended two persons, who were sitting in the tempo. The
name of the petitioner has been implicated in this case on
account of he being owner of the tempo.

4. Learned Advocate for the petitioner contended that
save and except the petitioner being owner of the tempo, there is



no material suggesting his complicity in the present crime. The tempo, in question, was being run by his brother Ashwani Kumar Singh and, in fact, the petitioner was not knowing this fact that his tempo has ever been used for illicit purposes. It is further contended that it is very difficult to identify that any passengers are carrying any illicit or incriminating materials with them and thus, in absence of any knowledge, no case much less under Section 30(a), 32(1) and 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018 is made out against the petitioner. It is lastly contended that the petitioner is a man of fair antecedent.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner happens to be owner of the tempo, in question, from where the recovery of illicit wine has been made.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that barring materials that the petitioner being owner of the tempo, in question, there is nothing on record suggesting his complicity in the present crime, coupled with his 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 Court of Special Judge Excise, Court No.-2, Aurangabad in connection with Aurangabad Excise P.S. Case No. 89 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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