

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34572 of 2024

Arising Out of PS. Case No.-95 Year-2023 Thana- GAURICHAK District- Patna

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Ashok Kumar Son of Vinod Prasad Resident Of Village - Mosimpur Fatuha,
P.S. - Fatuha, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gauri Shankar Prasad, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-05-2024 Heard Mr. Gauri Shankar Prasad 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 Gaurichak P.S. Case No. 95 of 2023 registered for the
offences punishable under Sections 30(a) and 36 of the Bihar
Prohibition and Excise Act.

3. The police on a secret information intercepted a
Bolero Pick-Up Van bearing Registration No. BR01GH-7883.
On search total 444 liters of Indian made foreign liquor was
recovered. The apprehended person disclosed the name of the
petitioner as owner of the vehicle and, as such, he has been
made accused in this case.

4. Learned counsel for the petitioner contended that



save and except the petitioner being owner of the vehicle in question, there is no material suggesting his complicity. It is further contended that the vehicle, in question, was being run for transportation of goods and carrying the passengers by the driver on rent; In fact, the petitioner was not knowing that the vehicle in question had been used for any illicit purpose and, as such, in absence of any knowledge or *mens rea* the petitioner cannot be held liable for offence under the Excise Act as alleged against the petitioner. It is further contended that the petitioner has absolutely clean antecedent and he undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

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 in this case only on account of he being owner of the vehicle, in question, moreover, there is no material suggesting the complicity of the petitioner in the present crime, coupled with the 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.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court of Excise, Patna City in connection with Gaurichak P.S. Case No. 95 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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