

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37222 of 2024

Arising Out of PS. Case No.-166 Year-2024 Thana- BARHARIA District- Siwan

Rambabu @ Rambabu Kumar Byahut @ Rambabu Prasad Son of Shivji Prasad @ Shivji Sah Resident of Village - Gausihata, P.S. - Barharia, District - Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Barharia P.S. Case No. 166 of 2024, registered on 14.04.2024 for the offences under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, on the basis of secret information that the illicit liquor was being transported on a tractor, the identified vehicle was intercepted and the driver and two persons riding the tractor fled away from the spot. From the trolley of the tractor, recovery of 168.480 litre of country made mahua liquor was made. The name of the petitioner transpired



on the basis of confidential information received by the police that the petitioner was carrying the illicit liquor on the tractor and thereafter it was intercepted.

4. Learned counsel for the petitioner submits that the petitioner has nothing to do either with the tractor or the seized liquor and he is neither driver nor the owner of the said vehicle. Nothing has been recovered from the person or possession of the petitioner and for this reason, no offence under Bihar Prohibition and Excise Act is made out against the petitioner. The petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no prima facie case appears to be made out against the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise, Excise Court-I, Siwan/concerned court in connection with Barharia P.S. Case No. 166 of 2024,



subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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