

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44033 of 2024

Arising Out of PS. Case No.-648 Year-2022 Thana- GAYA KOTWALI District- Gaya

Umar @ Md. Umar Khan Bharti Son of Imteyaz Bharti Resident of Village-
Bharti Gali, Nadraganj, P.S- Civil Lines, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-07-2024 Heard learned advocate appearing on behalf of the

petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Kotwali P.S. Case No. 648 of 2022, registered for the
offences punishable under Section 30(a) of Bihar Prohibition &
Excise Amendment Act-2016.

3. It is alleged that 184.950 liters of different brands
of Indian made foreign liquor in four sacks were recovered from
the warehouse of M/s Shivjyoti Cargo Service, the petitioner is
said to be consignor of the goods from which the illicit wine has
been recovered.

4. Learned advocate for the petitioner contended that
though the petitioner was the consignor of the goods but he had



booked only electronic goods, however, the employees of Cargo Service with some of the persons in the transit has stealthily concealed illicit wine, which has nothing to do with the petitioner. The persons who were found engaged in loading and unloading of the goods, they have been allowed the privilege of anticipatory bail by this court in Cr. Misc. No.48352 of 2023, vide order dated 11.08.2023. It is vehemently contended that in fact the employees of M/s Shivjyoti Cargo Service were involved in trafficking of illicit wine. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner is said to be consignor of the goods from which huge quantity of illicit wine was recovered.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the loading and unloading of the goods was conducted by the employees of M/s Shivjyoti Cargo Service, who have also made accused in this case, there is no other cogent material suggesting the complicity of the petitioner in the present crime, coupled with the fact that the petitioner is a man of clear 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/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.4, Gaya in connection with Kotwali P.S. Case No. 648 of 2022, 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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