

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59631 of 2024

Arising Out of PS. Case No.-284 Year-2018 Thana- BUXAR MUFFSIL District- Buxar

Brahmanand Singh @ Tuntun Singh Son of Ram Pyare Singh Resident of
Village - Sudhopur, P.S.- Mohammadabad Gohna, District - Mau (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate.

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-09-2024 Heard Mr. Bhaskar Shankar, learned counsel

 appearing on behalf of the petitioner and Mr. Damodar Prasad

 Tiwary, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Buxar (Muffasil) P.S. Case No. 284 of 2018 registered for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. As per the allegation made in the F.I.R., altogether
293.760 litres of illicit foreign liquor was recovered from a
Bolero vehicle bearing Registration No. UP 54J-8450.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is not connected either
with the vehicle in question or its owner or he is involved in
illicit trade of liquor. Petitioner has clean antecedent.



5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and admits that there is total failure of prohibition in the State of Bihar.

6. Considering rival submissions made on behalf of the parties and the fact that the petitioner has stated that he is not connected either with the vehicle in question or with the owner, I find it proper that the learned Special Excise Judge-I, Buxar must call a report from the District Transport Officer, Buxar to ascertain the fact as to whether the Bolero vehicle bearing Registration No. UP 54 J 8450 is registered in the name of the petitioner or it is a stolen vehicle used in illicit trade of liquor and if it is found that the said vehicle is not registered in the name of the petitioner and is not a stolen one, then the petitioner, above named, be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No.1, Buxar in connection with Buxar (Muffasil) P.S. Case No. 284 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The District Court is directed to verify the criminal



antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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