

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81105 of 2024

Arising Out of PS. Case No.-345 Year-2024 Thana- PAROO District- Muzaffarpur

Vinod singh @ Anil Kumar Singh S/O Vidya Singh R/O Vill.- Kamalpura
Mathiya, P.S- Paroo, Dist. Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate
For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-12-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Paroo P.S. Case No. 345 of 2024, registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The petitioner is said to be one of the member of the syndicate involved in trade of illicit wine. The police on a secret information conducted raid in the orchard of one *Kavinder Singh*, from where a truck and a pickup van were seized. On search, 855 liters of Indian made foreign liquor was recovered from the pickup van, whereas, total 4692.705 liters of Indian made foreign liquor was recovered from the place of occurrence. The local *Chaukidar* disclosed the name of the petitioner and others, who succeeded in fleeing away on



noticing the police party.

4. Learned Advocate for the petitioner contended that in fact the name of the petitioner is implicated only on account of his criminal antecedent of identical nature, as has been disclosed in paragraph no. 3 of the bail application. The identification of the petitioner by the *Chaukidar* is highly suspicious. That apart, the petitioner has neither any concern with the vehicle, in question, nor with the alleged recovered illicit wine. Allegedly, the alleged recovery has been made from an orchard of one *Kavinder Singh*, with whom the petitioner has no concern. The materials available on record clearly suggest that neither any recovery has been made from the conscious or constructive possession of the petitioner nor there is any other material suggesting his complicity and, as such, the bar provided under Section 76 of the Excise Act is not applicable in this case.

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 disclosed by the *Chaukidar* and there is no other material suggesting his complicity, apart from other



infirmities, including the defiance of Section 105 of the BNSS Act, 2023, 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 Judge Excise Court No.-II, Muzaffarpur in connection with Paroo P.S. Case No. 345 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)

shivank/-

U		T	
---	--	---	--

