

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81936 of 2024

Arising Out of PS. Case No.-204 Year-2024 Thana- CHHAURADANO District- East
Champaran

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Ameet Kumar, S/o Nandlal Yadav, Resident of village- Semra Khas Gobri,
ward no. 1, P.S. - Banjariya, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-12-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Chhauradano P.S. Case No. 204 of 2024, registered for the
offences punishable under Sections 30(a), 32 and 41(i) of the
Bihar Prohibition and Excise Act.

3. Allegedly the police on a secret information
intercepted a Bolero car bearing registration no. BR05PA4376.
However, noticing the police party, the driver of the Bolero car
succeeded in fleeing away. On search total 132 liters of Indian
made foreign liquor was recovered.

4. Learned Advocate appearing on behalf of the



petitioner contended that only on account of the petitioner being owner of the vehicle in question, his name has been implicated in this case. In fact, on the fateful day, the vehicle was being driven by the driver, the petitioner was not even aware as to the vehicle mentioned above used for any illegal purpose. The petitioner has no concern with the recovered illicit wine, nor he had been acquainted with the criminal act of his driver; moreover, the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the investigation and the proceeding of the Court. Certain infirmities in the search and seizure have also been pointed out by the learned Advocate for the petitioner by referring to the seizure list.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the vehicle of the petitioner was being used for the purposes of trafficking of illicit wine.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the vehicle which was being run by the driver and moreover for the illegal act of the driver, the owner of the vehicle cannot be held responsible, unless there is cogent material showing the complicity of the petitioner in the



crime, thus in the opinion of this Court, the bar provided under Section 76(2) of the Bihar Prohibition and Excise Act is not applicable in the case in hand, coupled with the fair antecedent of the petitioner, 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 Excise Court No. 2, East Champaran, Motihari in connection with Chhauradano P.S. Case No. 204 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)

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