

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1592 of 2024

Arising Out of PS. Case No.-94 Year-2022 Thana- MAGADH UNIVERSITY District- Gaya

Ram Lochan Yadav @ Gurujee Son Of Chandan Yadav @ Sri Chandra Yadav
Resident Of Village - Chikna, Police Station - Ghoghardiha, District -
Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-01-2024 Heard Mr. Nilendu Kumar Choudhary, learned
counsel appearing on behalf of the petitioner and Mr. Nawal
Kishore Prasad, learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with
Magadh University P.S.Case No.94 of 2022 , registered for the
offences punishable under Sections 414 and 420 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

3. Allegation is of recovery of 438.24 ltr. of foreign
liquor from a truck bearing registration no.BR06GA 4495 at
Gaya-Dobhi road.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is not involved in the
alleged offence in any manner nor he is the owner of the truck
bearing registration no.BR06GA-4495 or in any manner
connected with using the forged registration number. Evidently,



the truck at the time of seizure was displaying registration no.BR06GA 4495. The petitioner has clear antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Considering the failure of the state machinery in stopping the smuggling of the liquor and for the said purpose, use of fake registration number, as would be evident from the allegation made in the FIR, the truck was displaying registration no.BR06GA 4495 and another number plate was found in the truck bearing registration no.UP21CN1628. The petitioner has pleaded that he is innocent and not connected with the offence in any manner. The name of the petitioner has surfaced on the basis of confessional statement of one Digambar Kumar Yadav. I find that there is possibility that the truck is stolen one and it was in the way for delivering the consignment of illicit liquor using the fake registration number.

7. The District Transport Officer, Gaya is directed to submit a report with respect to registration number of the vehicle bearing Registration No.BR06GA 4495 as well as UP21CN 1628 and verify from the Engine number and the chassis number of the said truck as to whether both the numbers are fake or any of the numbers bear correct registration number



of the truck. In any case, it can be said that by using such tactical measure, at a large scale, the illicit liquor is being brought inside the State of Bihar.

8. The petitioner is directed to be released on **provisional pre-arrest bail** by the learned district court subject to conditions as laid down under Section 438(2) of the Cr.P.C. and on such terms and conditions, he deems fit and proper for a period of four weeks, during which period, the District Transport Officer must furnish his report without fail.

9. In case of failure, the District court must take appropriate action against the District Transport Officer, considering the fact that there is allegation of forgery and tampering of number plate of the truck on which huge quantity of liquor has been loaded. If the petitioner is not connected in any manner either with the consignment of the liquor or the truck concerned, the provisional pre-arrest bail shall be confirmed.

(Purnendu Singh, J)

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