

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.887 of 2025

Arising Out of PS. Case No.-177 Year-2024 Thana- DAUDPUR District- Saran

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Pawan Kumar @ Pawan Ray Son of Ramkant Ray Resident of Village -
Lavkushpur, Maharajganj, P.S. - Chapra Muffasil, District – Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-01-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is named in F.I.R. and

apprehending his arrest in connection with Daudpur P.S. Case

No. 177 of 2024, registered for the offences punishable under

Section 30(a) of the Bihar Prohibition and Excise Act.

3.The allegation against the petitioner is to engaged

his truck bearing registration no. BR25A-0418 for carrying of

illicit liquor, which is prohibited in State and where during raid

a total of 954 litres of Indian made foreign liquor alleged to be

recovered from the truck of the petitioner.



4. Learned counsel appearing on behalf of the petitioner submitted that admittedly no illicit liquor was recovered from the physical possession of this petitioner and his implication appears only for the reason that he was found registered owner of the truck bearing registration no. BR25A-0418. It is submitted that during investigation nothing transpires which may suggest *prima facie* that being owner of the truck he was under knowledge that his truck was engaged for carrying illicit liquor and, therefore, it can be said safely that the implication of the petitioner was for mere technical reason being owner of the truck in issue. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as no illicit liquor *prima facie* appears to be recovered from the physical possession of this petitioner, who is a man of clean antecedent, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within



a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Exclusive Special Excise Court, Saran at Chhapra/concerned Court, where the case is pending in connection with Daudpur P.S. Case No. 177 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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