

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2829 of 2025

Arising Out of PS. Case No.-520 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

Santosh Singh Son of Rameshwar Singh Resident of Village- Bidupur, P.S.-
Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aniket Singh, Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Hajipur Sadar P.S. Case No. 520 of 2024 registered for the offences punishable under Sections 274 and 275 of the B.N.S., 2023 and 30(a) of the Bihar Prohibition & Excise Amendment Act, 2022.

3. The police on a tip-off trafficking of illicit wine intercepted one CNG Auto Rickshaw as well as a Tata Magic (Mini Van) and apprehended one Roshan Kumar, who was driving the CNG Auto Rickshaw. In course of search, 100 liters of country made liquor was recovered from the CNG Auto Rickshaw. It is also alleged that from the Tata Magic (Mini Van), altogether 200 illicit wine was recovered.



4. Learned counsel for the petitioner contended that the name of the petitioner has been implicated in this case only on account of he being owner of the CNG Auto Rickshaw. However, the Auto Rickshaw in question was being plied for the purposes of carrying passengers and goods by the driver Roshan Kumar and the petitioner was not knowing this fact that the vehicle was used for the purposes of carrying illicit liquor. Even as per the allegation, it is evident that the petitioner did not have dominion or control over the Auto Rickshaw, which was plying as a public carriage and in such course illicit liquor was recovered; hence there is no recovery from his conscious and constructive possession and, as such, the bar provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 is not applicable. It is lastly contended that the petitioner bears fair antecedent.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the vehicle in question was being plied for carrying passengers and save and except the petitioner being owner of the vehicle, there is no other material suggesting his complicity in the crime, coupled



with his fair antecedent and the materials available on record do not attract the provision under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned 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 Exclusive Special Excise Court No.1-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 520 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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