

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2864 of 2025

Arising Out of PS. Case No.-522 Year-2024 Thana- SITAMARHI District- Sitamarhi

Krishna Kumar, S/o Satyanarayan Mahto, R/o Village- Bhaluaha, P.S.-
Sonbersa, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar, Advocate.

For the Opposite Party/s : Mr. Shailendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-02-2025 Heard learned Advocate appearing on behalf of the

petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Sitamarhi P.S. Case No. 522 of 2024, registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. While the police was engaged in patrolling and
vehicle checking, intercepted an e-rickshaw and apprehended
two persons. In course of search, total 108 litres of Nepali
country made liquor was recovered. The name of the petitioner
has been implicated on account of he being owner of the e-
rickshaw.

4. Learned Advocate appearing on behalf of the



petitioner contended that the vehicle in question was being run for the purposes of carrying passengers and the goods by co-accused Sachin Kumar, who had taken the vehicle on rent. Save and except the material that the petitioner being owner of the vehicle in question, there is no material suggesting the complicity of the petitioner in crime. From the record it appears that the petitioner was neither having dominion or control over the vehicle in question, which was being used as the public carriage, nor the petitioner has any concern with the illicit wine; all the more, the petitioner bears fair antecedent.

5. On the other hand, learned Advocate 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 nature of allegation and the fact that the vehicle in question, which was owned by the petitioner plied as public carriage and thus, in substance nothing has been recovered from the conscious or constructive possession of the petitioner, as such, the rigours provided under Section 76(2) of the Bihar Prohibition Act would not be applicable, coupled with the fair antecedent, 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.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 02, Sitamarhi/Concerned Court in connection with Sitamarhi P.S. Case No. 522 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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