

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2889 of 2025

Arising Out of PS. Case No.-417 Year-2024 Thana- ALAMGANJ District- Patna

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Uday Shankar V Singh @ Uday Shankar Visheshwar Singh, S/o Visheshwar Singh @ Shankar V Singh, Permanent R/o Village/Mohalla- Hasanpur South, Ward No.2, P.S.- Mahnar, District- Vaishali. Presently resides at D/08, Abhay Nagar, Datta Mandir, Kalyan Phata, Shil, Padale, Kalyan, PO- Nilji, P.S.- Thane, District- Thane, State- Maharashtra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-02-2025 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 Alamganj P.S. Case No. 417 of 2024, registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition & Excise Amendment Act, 2018.

3. The police in course of vehicle checking intercepted a Hyundai Xcent vehicle bearing registration no. MHD4MN3277 and apprehended one person who was driving the vehicle. In course of search, a bottle of foreign liquor containing 750ml illicit wine was recovered. The name of the



petitioner has been implicated in this case, on account of he being owner of the vehicle.

4. Learned Advocate appearing on behalf of the petitioner contended that from the F.I.R. it is evident that the car in question was intercepted alongwith the person who was driving the car, but only on account of the petitioner being owner, his name has been implicated. It is further contended that in fact, on the fateful day, the car in question was taken by one of the neighbors and he was not knowing this fact that the same has been used for any illicit purposes. It is also contended that for release of the vehicle, the petitioner already deposited ten percent of the value of the vehicle on 28.10.2024, however, the same has not been released till date. It is lastly contended that be that as it may, the petitioner bears fair antecedent and the materials available on record clearly demonstrates that the bar provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 will not be applicable.

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 quantity of illicit wine and the fact that the alleged recovery has been made from the vehicle which was being run



by Rajesh Kumar Singh, who was apprehended at the spot, coupled with the fair antecedent and the mandate of the Full Bench of this Court in the case of *Ram Vinay Yadav vs. The State of Bihar*, reported in *(2019) 2 PLJR 1089*, 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 Court of Excise Patna City in connection with Alamganj P.S. Case No. 417 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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