

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3589 of 2025

Arising Out of PS. Case No.-430 Year-2023 Thana- BEUR District- Patna

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Ramakant Rai Son of Late Ashish Rai @ Ram Ashish Rai Resident of
Bhawanidih PS -Motipur District -Muzaffarpur Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raju Kumar, Adv.
For the Opposite Party/s : Mrs. Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-01-2025 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner apprehends his arrest in connection with Beur P.S. Case No. 430 of 2023, registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code and Sections 30(a) and 33 of the Bihar Prohibition of Excise (Amendment) Act, 2018.

3. In course of vehicle checking, the police intercepted a Bolero vehicle bearing Registration No. BR06PA-9438. In course of raid, three persons were apprehended, who were found sitting in the vehicle and total 360 liters of spirit like substance was recovered. It is further alleged that the apprehended persons disclosed the name of the petitioner and others.

4. Learned Advocate for the petitioner contended that in fact only on account of the petitioner being owner of the



vehicle, in question, his name has been implicated in this case. It is the admitted fact that the petitioner was neither apprehended at the place of occurrence nor there is no material suggesting the complicity of the petitioner in the crime. It is further contended that in fact, the vehicle, in question, has already been sold to one Shatrughan Kumar prior to the alleged occurrence on 28.05.2021. In support of the aforesaid contention, an agreement has been placed on record as Annexure-2 to the bail petition. The alleged recovery has been made from a public place, but surprisingly, the witnesses are none else but the police personnel, apart from other irregularities in the search and seizure. Since there is no recovery from the conscious or constructive possession of the petitioner and, as such, the bar provided under Section 76 (2) of the Bihar Prohibition and Excise Act, 2016 is not applicable. Moreover, co-accused person, namely, Shashi Bhushan Yadav, whose name has also been disclosed by the apprehended person, he has been allowed the privilege of anticipatory bail by this Court in Cr. Misc. No. 56532 of 2023 vide order dated 20.09.2023. The petitioner bears fair antecedent.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that a huge quantity of illicit spirit like substance have been recovered from the vehicle of the petitioner and, as such, his complicity cannot



be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the petitioner being owner of the vehicle, in question, there is no other material disclosing the fact that he was instrumental in transportation of the illicit spirit like substance, coupled with the submission of the petitioner that the vehicle has already been sold earlier and his fair antecedent; all the more, there is no other cogent materials, which attract the provision of Section 76 (2) of the Bihar Prohibition and Excise Act, 2016 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 Special Judge, Excise – I, Patna in connection with Beur P.S. Case No. 430 of 2023, 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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