

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3910 of 2025

Arising Out of PS. Case No.-226 Year-2023 Thana- SHEIKHOPUR SARAI District- Sheikh-
pura

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Amit Kumar, S/O Bhagwati Choudhary, Resident of Village- Kashmir Colony, Near Maszid 9A Two, Street, Bansa, P.O.- Sector IX, PS Harla, District- Bokaro (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr. Indu Kumari Srivastava, 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 Shekhopur Sarai P.S. Case No. 226 of 2023, registered for the offences punishable under Sections 30(a), 32(2) and 41(1) of the Bihar Prohibition & Excise (Amendment) Act, 2018/Amendment Act, 2022.

3. The allegation against the petitioner is of involved in trade of illicit wine. The police on a secret information intercepted Tata Sumo Gold, bearing registration no. JH09S-9406. However, noticing the police party, the driver of the vehicle succeeded in fleeing away. On search total 56.25 liters



Indian made foreign liquor 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 barring the fact that the petitioner is the owner of the vehicle, there is no material suggesting his complicity in the crime in question. In fact, the vehicle was being run for the purposes of carrying passengers and goods on rent. The petitioner was not knowing the fact that the driver of the vehicle has used the vehicle for any illicit purpose and, as such, the petitioner cannot be held responsible for the conduct of his driver. It is further contended that there are other infirmities in the search and seizure and the petitioner has no concern with the illicit liquor in question.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that apart from one criminal antecedent of the petitioner in identical nature, the petitioner being owner of the vehicle from where the entire recovery has been made.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the vehicle in question was being run for the purposes of carrying passengers



and goods by co-accused Sonu Kumar, who was working as a driver and the culpability of the petitioner is yet to prove by showing the nexus of the petitioner with driver *qua* the recovery, hence the materials available on record does not 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 Exclusive Special Excise Judge, Sheikhpura in connection with Sheikhopur Sarai P.S. Case No. 226 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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