

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21911 of 2025

Arising Out of PS. Case No.-90 Year-2024 Thana- DELHA District- Gaya

Kamlesh Kumar @ Kamlesh Kumar Saw (male), aged about 26 years, Son of Bulak Saw, Resident of Village- Dhardhara, P.S- Hunterganj, Distt.- Chatra (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary, Advocate
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-04-2025 Heard Mr. Vishwa Ranjan Choudhary, learned counsel appearing on behalf of the petitioner and Mr. Awadhesh Kumar Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Delha P.S. Case No. 90 of 2024 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act as amended up-to-date.

3. Allegation is of recovery of 73.5 litres of foreign illicit liquor from a vehicle bearing Registration No. JH02BJ-8364.

4. Learned counsel appearing on behalf of the petitioner submits that since the petitioner is the owner of the aforesaid vehicle, he has been roped in the present case.



Petitioner has no concern with the seized liquor nor he is involved in trade of liquor in any manner. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and submits that due to sale and consumption of illicit liquor, day after day, hooch tragedy occurs and the State Officials of different department appears to have facilitated smuggling and trade of illicit liquor inside the State of Bihar. As such, involvement of the petitioner cannot be ruled out from illicit trade of liquor.

6. Considering the allegation made in the FIR, as well as, the quantity of recovered illicit liquor, which is 73.5 litres and the fact that since the petitioner is the owner of the aforesaid vehicle, he has been roped in the present case. Petitioner has no concern with the seized liquor nor he is involved in trade of liquor in any manner. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or



surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 4, Gaya, in connection with Delha P.S. Case No. 90 of 2024, subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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