

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29335 of 2025

Arising Out of PS. Case No.-36 Year-2024 Thana- ROHTAS District- Rohtas

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Hamaraj Singh @ Hemraj Singh S/O Late Raghupat Singh R/o vill - Baradih,
P.S.- Karakat, Distt.- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Priya, Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-05-2025 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner apprehends his arrest in connection with Rohtas (Amjhor) P.S. Case No. 36 of 2024, registered for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise Act, 2018.

3. The police in course of patrolling intercepted a tempo bearing Registration No. BR24P-9081. In course of search, total 70 liters of country made liquor was recovered. The driver of the tempo was also apprehended at the place of occurrence.

4. Learned Advocate for the petitioner referring to the FIR contended that in fact the petitioner is not named in the FIR and only on account of he being owner of the tempo, in



question, his name has been implicated in this case. Taking this Court through the Annexure-P/2 of the bail application, it is contended that the petitioner had sold his tempo bearing Registration No. BR24P-9081 to one Sanju Devi, Wife of Fulendra Ram long back on 29.06.2022. However, due to negligence and laches on the part of the parties, the ownership could not be transferred. Be that as it may, the tempo was being driven by the driver and, as such, the petitioner was not even aware as to what he was carrying in the tempo and, as such, the petitioner cannot be held accountable in absence of any material, suggesting his complicity in the crime. It is further contended that there are other infirmities in the search and seizure, apart from the non compliance of Section 100 of the Cr.P.C., inasmuch as, the petitioner bears fair antecedent and he undertakes that he will fully co-operate in the investigation and in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner happens to be owner of the vehicle, from where recovery has been made.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the recovery



has been made from a tempo, in question, which runs for carrying passenger and goods as also the statement of the petitioner that he has already sold his tempo to one Sanju Devi, prior to the alleged occurrence, apart from the absence of material, which attract the rigors provided under 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 Judge, Excise Court No. 2, Rohtas at Sasaram in connection with Rohtas (Amjhor) P.S. Case No. 36 of 2024, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 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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