

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27609 of 2025

Arising Out of PS. Case No.-80 Year-2024 Thana- SALIMPUR District- Patna

Jitendra Kumar, S/o Shankar Rai, R/o Village- Nayatola Dedaur, P.S.-
Baktiyarpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Sharma, Adv.

For the Opposite Party/s : Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Salimpur P.S. Case No. 80 of 2024 registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. The police in course of patrolling, intercepted a
Bolero vehicle bearing registration no. BR0IPF 9251; however,
noticing the police party, the person, who was driving the
vehicle, succeeded in fleeing away. In course of search, total
122.4 lts. of Indian Made Foreign Liquor was recovered.

4. Learned counsel for the petitioner contended that,
in fact, the vehicle in question was being run on rent and he was
not knowing this fact as to whether the driver has used the



vehicle for any illicit purpose. It is further contended that only on account of the petitioner being registered owner of the vehicle in question, his name has been implicated in this case. Neither the petitioner has any concern with the recovered illicit wine nor any incriminating material has collected during the course of investigation, suggesting complicity of the petitioner in the crime. Though the petitioner is facing three criminal antecedent but these cases are not in connection with the excise matters. It is also the contention of the petitioner that there are various other infirmities in the search and seizure; moreover, the witnesses are none else but the police personnel, despite the fact the alleged recovery has been made from a public street. The petitioner undertakes that he will fully cooperate in the proceedings of the court.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the anticipatory bail application of the petitioner is not maintainable in terms of Section 76(2) of the Bihar Prohibition and Excise Act (for short 'the Act, 2016').

6. Regard being had to the submissions made on behalf of the parties and considering the fact that only on account of the petitioner being registered owner of the vehicle,



his name has been implicated in this case; moreover, there is no material collected during the course of investigation suggesting complicity of the petitioner in crime and, as such, the rigors provided under Section 76(2) of the Act, 2016 is not attracted, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Barh in connection with Salimpur P.S. Case No. 80 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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