

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31384 of 2025

Arising Out of PS. Case No.-112 Year-2018 Thana- RAJIVNAGAR District- Patna

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Gautam Kumar Son of Bajarangi Ram Village -maharajaganj Po And Ps-
Jamui District -Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Syed Mojibur Rahman

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-05-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Rajiv Nagar P.S. Case No. 112 of 2018, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is of involved in trade of illicit liquor. The police conducted a raid and seized a Bolero car. In course of search, total 75.750 litres of illicit liquor was recovered. The witnesses, who were present there, disclosed that the recovered liquor belongs to Rahul Kumar and Dilip Kumar, who live in Nepali Nagar.

4. Learned Advocate for the petitioner taking this Court through the FIR contended that only on account of the fact that the petitioner being the owner of the Bolero vehicle



bearing registration No. BR46B-8856, his name has been implicated in this case. Narrations made in the FIR clearly suggest that the witnesses, who were present at the place of occurrence, have categorically stated that the liquor belongs to Dilip Kumar and Rahul Kumar. In fact on the fateful day, the vehicle in question was taken away by one of the friends of the petitioner and the petitioner was not knowing this fact that it has ever been used for any illicit purpose. The petitioner is said to be Peon in the District Bar Association and on the date of alleged occurrence, he was not even present nearby the place of occurrence. There are other various infirmities in search and seizure; all the more the petitioner bears fair antecedent. It is lastly contended that the name of the petitioner does not figure in the FIR and only vehicle number has been mentioned; therefore the petitioner was not aware of the fact and delay has occurred.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the petitioner has been evading from law for the last six years and for this reason alone; he does not deserve any indulgence of this Court, coupled with the bar provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016.



6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has been implicated in this case on account of he being the owner of the vehicle in question, coupled with the fair antecedent and the absence of materials attracting the provisions under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the petitioner abovenamed 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.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise 1st, Patna in connection with Rajiv Nagar P.S. Case No. 112 of 2018, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik 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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