

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32013 of 2025

Arising Out of PS. Case No.-4 Year-2025 Thana- INDUSTRIAL AREA District- Vaishali

Deepak Kumar S/o Vikram Paswan R/o Village- Kutubpur, P.S.- Thathan
Buzuarg, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mrs.Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Industrial Area P.S. Case No. 04 of 2025 registered for the offences under Sections 274, 275, 3(5) of B.N.S. and Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, police received information about illicit liquor being smuggled in a tempo. The said tempo was signaled to stop and the driver stated that he was not having any knowledge about the consignment which was loaded by co-accused Vikash Kumar. On search, recovery of 61.560 litres of India made foreign liquor was made from the said tempo. The name of the petitioner transpired during investigation as owner of the tempo.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioner and he was not present at the place of occurrence. From the FIR it is apparent that even the driver was not knowing about the details of consignment which was loaded on the tempo by one Vikash Kumar. Learned counsel further submits that except for the fact that the petitioner is the registered owner of the seized tempo, there is no material to connect the petitioner with the seized liquor or the offence as alleged. In these facts and circumstances, no offence under Bihar Prohibition and Excise Act is made out. The petitioner has got no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner is the son of Vikram Paswan who has been driving the tempo, from which recovery of 61.560 litres of India made foreign liquor was made.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and also considering the remoteness



of allegation and possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. I -cum- Additional District & Sessions Judge, Vaishali at Hajipur/concerned court in connection with Industrial Area P.S. Case No. 04 of 2025, subject to the condition as laid down under Section 482(2) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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