

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71661 of 2025

Arising Out of PS. Case No.-210 Year-2024 Thana- DELHA District- Gaya

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Arun Kumar, S/O Ram Sharan Saw, Resident of Village- Mallah Toli,
Manpur, P.S.- Muffasil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-10-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Delha P.S. Case No. 210 of 2024, registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act.

3. The police on a secret information intercepted a
blue colour Toto bearing registration no. BR0ZER-5119.
However noticing the police party, two persons who were sitting
in the Toto succeeded in fleeing away. The driver, Ankit Kumar,
who was running the Toto was apprehended. In course of search,
total 42 liters illicit wine was recovered, leading to institution of
the FIR.



4. Learned Advocate appearing on behalf of the petitioner submitted that the name of the petitioner has been implicated in this case only on account of the petitioner being registered owner of the vehicle. On the fateful day, the vehicle was being run by the son of the petitioner who used to carry the passengers. The passengers who were sitting therein after noticing the police party, succeeded in fleeing away, leaving the articles. The petitioner and his son were never acquainted with the fact that the passengers were carrying the illicit wine and, as such, the petitioner cannot be held to be responsible. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the use of the vehicle in the crime clearly suggest the complicity of the petitioner.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the fact that the vehicle in question was being run for carrying the passengers and besides the allegation levelled in the FIR, no materials have collected suggesting the complicity of the petitioner in crime; the material is lacking in the case in hand



attracting the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, coupled with fair antecedent of the petitioner, 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 Court of Exclusive Special Excise Court No. 4, Gaya in connection with Delha P.S. Case No. 210 of 2024, 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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