

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84157 of 2024

Arising Out of PS. Case No.-61 Year-2021 Thana- BANGARA District- Samastipur

Ramesh Kumar S/o- Satyanarayan Singh Resident of Ward no 6, Punas P.S-
Samastipur M, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-01-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Bangra P.S. Case No. 61 of 2021, registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) and 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The allegation against the petitioner is of indulged in trafficking of illicit liquor. The police on a confidential information conducted raid and intercepted a Pick-Up Van, bearing Registration No. BR06GD-4016 and a truck having Registration No. JH01V-3051. The apprehended person, namely, Pankaj Kumar @ Pankaj Ray disclosed the name of the petitioner as the owner of the Pick-Up Van. In course of search,



total 431.5 liters of Indian made foreign liquor was recovered.

4. Learned Advocate for the petitioner contended that save and except the petitioner being owner of the Pick-Up Van, in question, there is no materials suggesting the complicity of the petitioner in the crime, nor the petitioner was found present or any recovery has been made from the conscious or constructive possession of the petitioner. In fact the Pick-Up Van was being run for transportation of the goods on rent or payment by the driver and the petitioner was not even aware, as on the fateful day, any illicit liquor was being transported on the Pick-Up Van. The contention of the petitioner is that the said Pick-Up Van has also been sold in the name of one Dilip Kumar on 03.06.2021, the sale letter has also been produced as Annexure-P/2.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner has been evading from the due course of law, apart from one criminal antecedent and, as such, the petitioner does not deserve any sympathy of this Court.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the materials that the petitioner being owner of the Pick-



Up Van, there is nothing on record, coupled with the sale order and the undertaking of the petitioner before this Court that he will fully co-operate in the proceeding of the Court, apart from no recovery from the conscious and constructive possession of the petitioner and thus, the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2018 is not applicable, 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.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Judge, Excise-I, Samastipur in connection with Bangra P.S. Case No. 61 of 2021, subject to the conditions laid down in Section 438(2) Cr.P.C. 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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