

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89377 of 2024

Arising Out of PS. Case No.-257 Year-2022 Thana- MANJHI District- Saran

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Golu Kumar, S/O Vinod Kumar, R/O Vill.- Bilap, P.O- Kunjwan, P.S- Bihata,
Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-01-2025 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 Manjhi P.S. Case No. 257 of 2022, registered for the
offences punishable under Sections 30, 30(a), 38, 41(i) of the
Bihar Prohibition and Excise Amendment Act, 2022.

3. The police on a tip off trafficking of illicit wine
conducted raid and intercepted a grey coloured Centro car
bearing registration no. BR03AH-1279 and apprehended two
persons. In course of search total 99 liters Indian made foreign
liquor was recovered.

4. Learned Advocate appearing on behalf of the
petitioner contended that in fact on the alleged fateful day, the



car in question was taken by one of his villagers on the pretext of taking the patient in a hospital and he was not knowing this fact that his car has ever been used for any illicit purpose. The petitioner bears fair antecedent and save and except he being owner of the car in question, there is no other material suggesting the complicity of the petitioner in crime. It is also contended that there is no recovery from the conscious or constructive possession of the petitioner and, as such, the bar provided under Section 76(2) of the Bihar Prohibition and Excise Amendment Act, 2018 is not applicable.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the petitioner being owner of the vehicle in question, there is no other cogent material suggesting the complicity of the petitioner in crime, coupled with the fact that no recovery has been made from the conscious and constructive possession, 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 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Manjhi P.S. Case No. 257 of 2022, 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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