

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46784 of 2019

Arising Out of PS. Case No.-303 Year-2019 Thana- KADAMKUAN District- Patna

1. KUNDAN BELDAR Son of Akhilesh Kumar Resident of Mohalla - East Lohanipur Khandpr, P.S. - Kadamkuan, District - Patna
2. Rahul Kumar @ Rahul Sahani Son of Late Dhruv Sahani Resident of Mohalla - East Lohanipur Khandpr, P.S. - Kadamkuan, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh

For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 29-07-2019 At the very outset, learned counsel for the petitioners submits that the petitioner no.1, namely, Kundan Beldar, has already been arrested by the police in this case and, as such, this application in respect of the petitioner no.1, above named, has become infructuous and seeks permission to withdraw this application in respect of the petitioner no.1, above named.

Permission is accorded.

This application in respect of the petitioner no.1, above named, is dismissed as withdrawn.

Now, today, only the prayer of the petitioner no.2, namely, Rahul Kumar alias Rahul Sahani, for grant of privilege of pre-arrest bail is being considered.



Heard.

The petitioner no.2, namely, Rahul Kumar alias Rahul Sahani, apprehends his arrest in connection with Special Case No.4878 of 2019, arising out of Kadamkuan P.S. Case No.303 of 2019, registered under Section 30(a) of the Bihar Excise Prohibition Act.

The accusation is that in course of patrolling duty, the informant along with other police personnel received secret information to the effect that Kundan Beldar and Rahul Kumar (petitioner no.2) used to sell the liquor at East Lohanipur Khandpr and the liquor has been kept in the house of Kundan Beldar. Thereafter, the informant along with other police personnel reached there. On seeing the police party, two persons fled away from the house. On search of the house of Kundan Beldar, 42 pouches, each containing 180 ml. Indian Made Foreign Liquor, and one bottle, containing 750 ml. Indian Made Foreign Liquor, beneath the bed were recovered. The local people disclosed the name of the persons, who fled away, as Kundan Beldar and Rahul Kumar (petitioner no.2).

Learned counsel for the petitioner no.2 submits that it would appear from the F.I.R. that the alleged recovery of Indian Made Foreign Liquor was made from the house of Kundan



Beldar. The petitioner no.2 has falsely been implicated in this case on mere suspicion and he has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner no.2, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Special Excise Judge, Patna, in connection with Special Case No.4878 of 2019, arising out of Kadamkuan P.S. Case No.303 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

