

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52506 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- NADI P.S. District- Patna

ARBIND KUMAR, aged about 25 years, Male, Son of Sankar Singh,
Resident of Village - Samaspur Jafrabad, P.S.- Nadi, Dist.- Patna
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Nityanand Kumar, Adv.
For the Opposite Party : Mr. Ashraf Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 22-08-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Nadi P.S. Case No. 4 of 2019 (Special Case No. 114 of 2019)
for the offences alleged under Sections 30(a) of the Bihar
Prohibition and Excise Act, 2016, and 25(1-b)a, 26 and 35 of the
Arms Act.

The accusation is that on receiving secret information
about gathering of the miscreants at the house of Arbind Kumar
in village Samaspur Jafrabad, the informant, along with other
police officials, reached there. On seeing the police party five
persons fled away, but, two persons, Ramjee Kumar and Govind
Kumar, have been apprehended. On search of Ramjee Kumar,
he was found in possession of one live cartridge whereas on
search of Govind Kumar, two pouches, each containing 200 ml,



of country made liquor, were recovered as well as one black coloured Pulsar motorcycle and Adhaar Card of Udai Kumar were also seized. From a room situated near stair of house of petitioner and 25 pouches of country made liquor also recovered.

The submission of the learned counsel for the petitioner is that the petitioner is not residing in the house from where 25 pouches of country made liquor are said to be recovered in a room situated near the stair. Further, submission is that it would appear from the first information report that the petitioner was not apprehended at the spot. Neither any family member of the petitioner put signature on the seizure list nor the copy of the seizure list handed over to the family member of petitioner. In fact, house from where 25 pouches of country made liquor are said to be recovered is joint house of the petitioner and other family members, which is in abandoned condition. More over, the caught hold person also not disclosed the name of the petitioner indulged in the illicit liquor business. Petitioner has no criminal antecedent.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the



case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Nadi P.S. Case No. 4 of 2019 (Special Case No. 114 of 2019) shall be released on pre-arrest bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Excise, Patna, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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