

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31995 of 2020

Arising Out of PS. Case No.-460 Year-2019 Thana- VAISHALI District- Vaishali

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Kundan Kumar, aged about 24 years, Male, son of Binod Rai, resident of
Village- Amritpur, P.S.- Vaishali, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Bela Singh, Advocate
For the State	:	Mr. Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 05-03-2021

Heard Ms. Bela Singh, learned counsel for the
petitioner and Mr. Uday Pratap Singh, learned Additional Public
Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with
Vaishali PS Case No.460 of 2019 dated 24.12.2019, instituted
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

3. It is alleged that the apprehended persons revealed
that the petitioner and co-accused Guddu Rai used to bring
counterfeit liquor and they after bottling used to hand it over to
the petitioner and Guddu Rai for sale.

4. Learned counsel for the petitioner submitted that



they have neither been caught nor is there any recovery from their house or other premises and there is also no material to connect them to the recovery of 119.250 litres of counterfeit Indian Made Foreign Liquor. Learned counsel submitted that their implication is only on suspicion and statement of arrested co-accused. It was submitted that arrested persons were under the impression that the petitioner and co-accused, Guddu Rai, had informed the police leading to raid and their arrest.

5. Learned APP submitted that the petitioner along with another person has been named by two persons, who were caught, and they disclosed that it was the petitioner, who used to mix chemical and prepare the counterfeit liquor and used to give it to the arrested persons for packing and bottling. It was further submitted that when the police went to raid, they saw four persons in the hut and two managed to run away, whereas, two were caught and the persons caught taking name of the petitioner and another person clearly indicates that there was no false implication as four persons were seen by the police, out of which two were caught.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.



7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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