

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39897 of 2023

Arising Out of PS. Case No.-58 Year-2022 Thana- SIKARHATTA District- Bhojpur

Atal Yadav @ Lalbabu Yadav @ Lalbabu Kumar aged about 23 years Male
S/O Mithlesh Singh @ Ram Ayodhya Singh, resident of Village- Sedahan,
Police Station- Tarari, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-07-2023 Heard Mr. Uday Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Anant Kumar, learned APP
for the State.

2. The petitioner seeks pre-arrest bail in connection
with Sikarhatta P.S. Case No. 58 of 2022 dated 06.04.2022
registered for the offence punishable under Section 30 (a) of
Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Allegation is of recovery of 120 litres of country-
made liquor from a motorcycle.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and no liquor was
recovered from the possession of the petitioner. Petitioner has
falsely been implicated in the present case for manufacturing
and sale of country-made liquor. Petitioner has clean antecedent.
On these grounds, petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the



prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, recovery was not made from the possession of the petitioner and petitioner has no criminal antecedent, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge 2nd Bhojpur, Ara in connection with Sikarhatta P.S. Case No. 58 of 2022 dated 06.04.2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

Niraj/-

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

