

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52762 of 2023

Arising Out of PS. Case No.-250 Year-2023 Thana- PHULWARIYA District- Gopalganj

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SUJIT RAM @ BABI S/O JANAK RAM R/O VILLAGE- KARARIYA
THAKURAI, PS. PHULWARIYA, DIST. GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-08-2023 Heard Mr. Deepankar Raj, learned counsel appearing

on behalf of the petitioner and Mr. Nitya Nand Tiwary, learned

A.P.P. for the State.

2. The petitioner apprehend his arrest in connection
with Phulwariya P.S. Case No. 250 of 2023, dated 15.07.2023,
registered under Sections 30 (a) of the Bihar Prohibition and
Excise Act, 2018.

3. The prosecution case, in brief, is that altogether 90
litres of country made liquor was recovered from three
Motorcycles. The specific allegation is that 36 litres was
recovered from Motorcycle bearing Registration No.
UP52G4891 belongs to Chhotelal Yadav, 28 litres from the
Motorcycle bearing Registration No. BR28AA5862 belongs to
Ajay Yadav and 26 litres was recovered from the Motorcycle



bearing Registration No. UP52V2510 belongs to Santu Barnwal. The petitioner has been made accused on the basis of confessional statement of Chhotelal Yadav.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner was not involved in the trade of liquor. Rather, it would appear from the F.I.R. that total 90 litres was recovered from the co-accused, who were apprehended on the spot. The petitioner has been made accused in three cases.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Taking into consideration that no recovery has been made from the possession of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Excise Court No.1, Gopalganj in connection with Phulwariya P.S. Case No. 250 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The Court below is directed to verify the criminal



antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph no. 3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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