

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63507 of 2023

Arising Out of PS. Case No.-538 Year-2018 Thana- KADAMKUAN District- Patna

Bholu Kumar @ Baba Late Krishna Prasad R/O- Shyam Niketan, D.N. Das
Lane, Ajay Bhawan, Langartoli Gali, Bankipur, P.S.- Kadamkuan, Dist- Patna.

... .. Petitioner/S

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niraj Kumar, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-12-2023 Heard Mr. Niraj Kumar, learned counsel appearing
on behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Kadamkuan P.S. Case No. 538 of 2018, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. It is alleged that the police in course of the
patrolling, on receipt of secret information raided an under
constructed house and in course of search, altogether 4.125
liters Indian made foreign liquor was recovered. The local
people disclosed the name of the petitioner and one Chhotu
Kumar Yadav as the bootleggers.

4. Learned counsel appearing on behalf of the



petitioner submits that from the narratives of the F.I.R., it is evident that the alleged recovery has been made from an under constructed house, belonging to one Dharmendra Kumar and the petitioner has neither any concern with the house nor with the alleged recovered illicit wine. It is further submitted that in fact on account of his past criminal antecedent his name has been implicated in this case and save and except the disclosure made by local people, there is no other material suggesting the complicity of the petitioner. He next submits that admittedly the F.I.R. was instituted in the year 2018 but at no point of time, any summons or other processes have been issued. He lastly submitted that co-accused, Chhotu Kumar Yadav @ Ankit Kumar, against whom there is identical allegation he has been allowed the privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 32764 of 2023 vide order dated 24.05.2023.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the F.I.R. was instituted way back in the year 2018 and the petitioner has been evading from the law.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that alleged



recovery has been made from an under constructed house, easily accessible to all belonging to one Dharmendra Kumar who has not even been made accused in this case, coupled with the fact that the case of the petitioner is based upon parity, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Act, Patna, District-Patna in connection with Kadamkuan P.S. Case No. 538 of 2018, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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