

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58872 of 2023

Arising Out of PS. Case No.-98 Year-2021 Thana- HAYAGHAT District- Darbhanga

Rajesh Khalkho, (Male), aged about 44 years, Son Of Ganta Khalkho @
Genda Khalkho @ Genda Oraon, Resident of Village and Post -Nagra, P.S.-
Mandar, Dist- Ranchi, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Gauri Shankar Gupta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 06-12-2023 Heard Mr. Kaushal Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Gauri Shankar Gupta,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Hayaghat P.S. Case No. 98 of 2021 dated 25.07.2021
registered for the offence punishable under Section 30 (a) of the
Bihar Prohibition and Excise Act as amended up-to-date.

3. Allegation is of recovery of 142.5 litres of Indian
made foreign liquor from a white colour Scorpio vehicle bearing
Registration No. BR-10P-2347.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Petitioner is not named in



the FIR. No incriminating article was recovered from the conscious possession of the petitioner. Petitioner had sold the Scorpio vehicle, from which the alleged liquor was recovered to one Balkeshwar Singh in the year 2009 in accordance with the provision of Motor Vehicle Act. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest 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 against the petitioner, as well as, the fact that petitioner is not named in the FIR. Nothing was recovered from the conscious possession of the petitioner. Petitioner had sold the Scorpio vehicle, from which the alleged liquor was recovered to one Balkeshwar Singh in the year 2009 in accordance with the provision of Motor Vehicle Act. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. Petitioner has clean antecedent, learned District Court is directed to call for a report with respect to Scorpio vehicle bearing Registration No. BR10P-2347 from the District Transport Officer, Darbhanga.



7. If it is found from the report that the aforesaid vehicle is not registered in the name of the petitioner, 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 Court of Exclusive Special Judge- 1st (Excise Act), Darbhanga, in connection with Hayaghat P.S. Case No. 98 of 2021 dated 25.07.2021, 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 lose its force automatically.

(Purnendu Singh, J)

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