

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62799 of 2023

Arising Out of PS. Case No.-41 Year-2023 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Bipin Kumar Sharma Aged about 48 Son Of Shivnath Mistri, resident of
Village -Rahui, Ps- Rahui, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-10-2023 Heard Mr. Satish Kumar, learned counsel appearing

on behalf of the petitioner and Mr. Mritunjay Kumar Nirala,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Sheikhopur Sarai P.S. Case No. 41 of 2023 registered for
the offence punishable under Sections 30 (a), 32 (11), 41 (1) of
the Bihar Prohibition and Excise Act as amended up-to-date.

3. Allegation is of recovery of 12 bottles of Indian
made foreign liquor each measuring 750 ml.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Nothing has been recovered
from the conscious possession of the petitioner. Petitioner has



no concern with the alleged seized liquor nor he is involved in trade of illicit liquor. 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 against the petitioner in the FIR. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged seized liquor nor he is involved in trade of illicit liquor. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest 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. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge Sheikhpura in connection with Sheikhopur Sarai P.S. Case No. 41 of 2023, 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/-

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