

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64549 of 2023

Arising Out of PS. Case No.-210 Year-2023 Thana- KARJA District- Muzaffarpur

Ajay Rai @ Ajay Kumar, aged about 28 years, Male, son of Sitaram Rai,
resident of village- Bangari, P.S- Kanti (Panapur O.P.), District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Arun Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-10-2023 Heard Mr. Manoj Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Arun Kumar
Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Karja P.S. Case No. 210 of 2023 registered for the offence
punishable under Sections 30 (a) of the Bihar Prohibition and
Excise Act as amended up-to-date.

3. Allegation is recovery of 315.600 litres of Indian
made foreign liquor from a Pick-up van bearing Registration
No. GJ13AT 1430.

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. Name of the



petitioner was disclosed by the villagers and chaukidar due to dirty village politics. Petitioner has no concern with the alleged seized pick-up van from which 315.600 litres of country made liquor has been recovered. Petitioner is not involved either in manufacturing or 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 pick-up van from which 315.600 litres of country made liquor has been recovered. Petitioner is not involved either in manufacturing or 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. 50,000/- (Rupees Fifty



Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Court-II, Muzaffarpur, in connection with Karja P.S. Case No. 210 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)

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