

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63987 of 2023

Arising Out of PS. Case No.-78 Year-2023 Thana- PUSA District- Samastipur

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Rahul Kumar @ Pappu Ray Son Of Ram Sakal Roy @ Sakal Ray Village-
Devpar Ps- Pusa Dist- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-10-2023 Heard Mr. Amar Kumar Singh, learned counsel

appearing on behalf of the petitioner and Mr. Binod Kumar,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Pusa P.S. Case No.78 of 2023 dated 23.06.2023 registered
for the offence punishable under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act.

3. Allegation is of recovery of total 1269.480 liters of
liquor from bush.

4. Learned counsel appearing on behalf of the
petitioner submits that petitioner is innocent and he has falsely
been implicated in the present case. He has no concern either
with the seized liquor or trade of liquor in any manner. Nothing
has been recovered from conscious physical possession of the

petitioner. Recovery of liquor is from bush, which is easily accessible to anyone.

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, as well as, as per the impugned order the petitioner has no relation with other co-accused, 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. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-I, Samastipur, in connection with Pusa P.S. Case No.78 of 2023 dated 23.06.2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J.)

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