

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64597 of 2023

Arising Out of PS. Case No.-196 Year-2023 Thana- BIHIA District- Bhojpur

VIJAY KALWAR @ VIJAY KUMAR PRASAD @ VIJAY PRASAD S/o-
SHIV SHANKAR PRASAD Village- Belwania Ps- Bihiya Dist- Bhojpur
Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanchay Srivastava, Advocate.

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-10-2023 Heard Mr. Sanchay Srivastava, learned counsel
appearing on behalf of the petitioner and Mr. Aditya Narayan
Singh No.1, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Bihiya P.S. Case No. 196 of 2023 registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. The allegation is of recovery 66.960 litres of illicit
liquor from a motorcycle bearing Registration No. BR-03W-
0681 parked on the road in front of the house of the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner is innocent and he has
falsely been implicated in the case. The motorcycle from which



liquor was allegedly recovered was parked on the road in front of the house of the petitioner. The place of recovery is an open place and is easily accessible to anyone. The name of the petitioner has surfaced in the case on the disclosure made by the chaukidar due to enmity. Petitioner has one incident that too for the allegation to have been committed under the Excise Act in which the petitioner is on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the aforesaid facts and circumstances of the case, 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. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Excise, Bhojpur, Ara in connection with Bihiya Town P.S. Case No. 196 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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