

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62771 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- RAJAOLI District- Nawada

DAYANAND KUMAR, aged about 35 years, Male, SON OF SANJAY
YADAV RESIDENT OF VILLAGE - GANGTA, P.S. - RAJAULI,
DISTRICT - NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-10-2023 Heard Mr. Sheo Kumar Prasad, learned counsel
appearing on behalf of the petitioner and Mr. Ganesh Prasad
Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Rajauli P.S. Case No. 9 of 2023 registered for the
offence(s) punishable under Section 30(a)(d) of the Bihar
Prohibition and Excise Act.

3. As per the allegation made in the FIR, 40 litres of
country made liquor, three motorcycles and 1500 litres of jawa
mahua were recovered from the place of occurrence.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in this case due to village politics. It is further
submitted that nothing incriminating article was recovered from



the conscious possession of the petitioner. Petitioner has no concern either with the seized liquor, Jawa Mahua or motorcycles. It is lastly submitted that petitioner has fair and clean antecedent.

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

6. Considering the nature of allegation and also the fact that petitioner has fair and 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court, 2, Nawada in connection with Rajauli P.S. Case No. 9 of 2023 subject to the conditions 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 and if it is found that the petitioner is involved in some other cases, as what has been stated in



paragraph no.3 of the bail application, this order will
automatically loose its force.

(Purnendu Singh, J)

Sanjay/-

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