

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65249 of 2023

Arising Out of PS. Case No.-127 Year-2022 Thana- CHAKAND District- Gaya

=====

Guddu Kumar @ Guddu Yadav (Age-32 Years, Gender-Male), Son of
Khatarbali Yadav, Resident of Village - Bahadur Bigha, P.S. - Chakand,
District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-10-2023 Heard Mr. Gajendra Kumar Singh, learned
counsel appearing on behalf of the petitioner and Mr. Nand
Kishore Prasad, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Chakand P.S. Case No. 127 of 2022 registered for the
offence punishable under Section 30 (a)(d)(g) of the Bihar
Prohibition and Excise Act as amended up-to-date.

3. Allegation is of recovery of 5 litres of country made
liquor from the orchard of Middle School, Madan Bigha.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case by the *chaukidaar* of the
village due to enmity. Nothing has been recovered from the



conscious possession of the petitioner. Petitioner has no concern with the alleged seized liquor and the place of recovery, which is a public school is easily accessible to anyone. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. Petitioner has one criminal antecedent of similar nature. 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 in the FIR against the petitioner, nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged seized liquor and the place of recovery, which is a public school is easily accessible to anyone. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. Petitioner has one criminal antecedent of similar nature. 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Gaya, in connection with Chakand P.S. Case No. 127 of 2022, 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 lose its force automatically.

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

