

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66236 of 2023**

Arising Out of PS. Case No.-209 Year-2021 Thana- AMAS District- Gaya

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LALAN ROY @ NETA JI S/O KAPILDEO ROY @ KAPILDEV ROY R/O
VILLAGE- GOPINATHPUR, P.S- MOTIPUR, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Narsingh Tanti, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 19-10-2023 Heard Mr. Vinod Kumar, learned counsel appearing on behalf of the petitioner and Mr. Narsingh Tanti, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Amas P.S. Case No. 209 of 2021 registered for the offence punishable under Sections 30(a), 23 and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Allegation is of recovery of 4000 litres of spirit from a truck bearing Registration No. BR05GA4195.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he is not connected with the trade of illicit liquor which is prohibited nor



the said truck from which huge quantity of spirit has been recovered belongs to the petitioner. Learned counsel submits that the quantity of spirit which has been recovered is 4000 litres and the same was being carried by the truck and such illegality cannot be committed without connivance of the State officials. In fact, the State officials are responsible for complete failure of prohibition in the State of Bihar. Learned counsel further submits that the petitioner has clean antecedent.

5. Mr. Ajit Kumar, learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submits that due to sale and consumption of illicit liquor, day after day, hooch tragedy occurs and involvement of the petitioner cannot be ruled out from illicit trade of liquor.

6. Having heard the rival submissions of the parties as well as submission made on behalf of the petitioner that the name of the petitioner surfaced on the basis of disclosure made by the driver of the truck who was apprehended on the spot, 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 Addl. Sessions



Judge cum Excl. Spl. Excise Judge, Court No.2, Gaya in connection with Amas P.S. Case No. 209 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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