

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.70175 of 2023

Arising Out of PS. Case No.-20 Year-2020 Thana- LALGANJ District- Vaishali

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UMESH RAI, aged about 55 years, Male, SON OF LATE RAMDEV RAI
RESIDENT OF VILLAGE - KHANJAHA CHAK, P.S. - LALGANJ,
DISTRICT - VAISHALI AT HAJIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Niranjan Parihar, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-11-2023 Heard learned counsel for the parties.

2. The petitioner seeks pre-arrest bail in connection with Lalganj P.S. Case No. 20 of 2020 dated 18.01.2020 registered for the offence(s) punishable under Sections 30(a)/32(2)/41(1) of the Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, 1283.43 litres of foreign liquor has been recovered from a thatched hut.

4. Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the house of one Umesh Rai/petitioner and at that time, the petitioner was not in his house. It is further submitted that



petitioner resides in a joint family and some other members of the family may have hid the liquor. Petitioner has no criminal antecedent.

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, which reveals that huge quantity of liquor was recovered from the house of the petitioner, the petitioner may surrender before the District court along with undertaking duly sworn by the two respectable persons of the same village, where he resides, to the effect that they will see that the petitioner will not involve in criminal case in future, particularly, in smuggling and sale of liquor, which is prohibited in the State of Bihar.

7. In case such undertaking is filed, the petitioner, above named, is directed to be released on bail, in the event of his arrest or surrender before the Court below within a period of six weeks from today, on furnishing bail bond of **Rs. 2,00,000/- (Rupees Two Lacs)** with two sureties of the like amount each to the satisfaction of learned A.D.J. II-cum-Excise Court, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 20 of 2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



8. With the aforesaid observation/direction, the application stands disposed of.

(Purnendu Singh, J)

Sanjay/-

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