

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.64587 of 2023

Arising Out of PS. Case No.-532 Year-2022 Thana- RAJAOLI District- Nawada

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BIGAN YADAV, Male, aged about 27 years, S/O KHELAWAN YADAV R/o,
VILLAGE- KAJIKATAR, PS- AKBARPUR, DIST- NAWADA.

... Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 17-10-2023 Heard Mr. Birendra Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Tarkeshwar Nath

Thakur, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Rajauli P.S. Case No. 532 of 2022 dated 29.09.2022
registered for the offence(s) punishable under Section 30(a)(d)
of the Bihar Prohibition and Excise Act.

3. As per allegation made in the FIR, 20 litres of
country made liquor and other articles have been recovered
from an abandoned place.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has been
falsely implicated in this case. It is further submitted that the
recovery of the illicit liquor has been made from an



abandoned place which is accessible to public at large. It is lastly submitted that petitioner has 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 clean antecedent and recovery of the alleged liquor has been made from an abandoned place, which is accessible to anyone, 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 Judge-II, Nawada in connection with Rajauli P.S. Case No. 532 of 2022, 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 lose its force.

Sanjay/-

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(Purnendu Singh, J)

