

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64435 of 2023

Arising Out of PS. Case No.-158 Year-2023 Thana- KHARIK District- Bhagalpur

1. KRISHNA KUMAR RAM @ KRISHN KUMAR @ KRISHNA KUMAR,
Male, aged about 29 years, Son of Sikandar Mochi R/o vill - Nagartola, P.s.
- Kharik, Distt. - Bhagalpur
2. Ajeet Kumar Ram @ Ajeet Ram, male, aged about 27 years, Son of
Ghanshyam Ram R/o vill - Dayalpur, P.S. - Bihpur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-10-2023 Heard Mr. Ranjan Kumar Jha, learned counsel

appearing on behalf of the petitioners and Mr. Ram Priya Sharan

Singh, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Kharik P.S. Case No. 158 of 2023 dated 09.07.2023
registered for the offence(s) punishable under Section 30(a) of
Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, total
quantity of country made liquor recovered near the shop and
house of the petitioners is 60 litres.

4. Learned counsel appearing on behalf of the
petitioners submits that petitioners are innocent and they have



been falsely implicated in this case due to village politics. It is further submitted that though the petitioners are named in the FIR, but they were neither apprehended on the spot nor any incriminating material has been recovered from their possession. It is next submitted that petitioners have clean antecedent. Learned counsel further submits that the petitioners will file their undertaking before submission of bail bond that they will never engage themselves, in any manner, in trade of liquor in future.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and he condemns the offence which has been alleged against the petitioners considering the fact that on every day there is news of the hooch tragedy in the State of Bihar, and as such, petitioners do not deserve to be released on bail.

6. Considering the nature of allegation made against the petitioners as well as the fact that the petitioners have clean antecedent and also the fact that they will file their undertaking before the court below at the time of submission of bail bonds that they will not involve in future in illicit trade of liquor, I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.



7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge IX, Bhagalpur in connection with Kharik P.S. Case No. 158 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 petitioners and if it is found that the petitioners are 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.

(Purnendu Singh, J)

Sanjay/-

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

