

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64542 of 2023

Arising Out of PS. Case No.-95 Year-2023 Thana- DORIGANJ District- Saran

Baban Ray aged about 32 yrs (Male) Son Of Dashrath Ray, resident of Village
- Balwan Tola, P.S.- Doriganj, District- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rajani Kumari, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-10-2023 Heard Ms. Rajani Kumari, learned counsel

appearing on behalf of the petitioner and Mr. Suresh Prasad

Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Doriganj P.S. Case No. 95 of 2023 registered for the
offence punishable under Section 30 (a) of the Bihar Prohibition
and Excise Act as amended up-to-date.

3. Allegation is of recovery of 100 litres of country-
made liquor from the *Gumti* of the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Petitioner is not named in
the FIR. Nothing has been recovered from the conscious
possession of the petitioner. The *Gumti* from which



altogether 100 litres of country-made liquor has been recovered, does not belong to the petitioner. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. Petitioner has clean antecedent. 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, as well as, the fact that petitioner is not named in the FIR, nothing has been recovered from the conscious possession of the petitioner. Petitioner has clean antecedent. 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 A.D.J. II Cum Special Judge, Excise, Saran at Chapra in connection with Doriganj P.S. Case No. 95 of 2023, 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 loose its force automatically.

(Purnendu Singh, J)

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