

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64544 of 2023

Arising Out of PS. Case No.-364 Year-2023 Thana- Excise P.S. District- Nawada

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Pintu Kumar (M), aged about 23 years, Son of Lakhan Paswan, Resident of
Village - Bara, P.S. - Rajauli, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

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

on behalf of the petitioner and Mr. Akbar Ali, learned APP for

the State.

2. The petitioner seeks pre-arrest bail in connection
with Excise P.S. Case No. 364 of 2023 registered for the offence
punishable under Sections 30(a) and 56(2) of the Bihar
Prohibition and Excise Act as amended up-to-date.

3. Allegation is of recovery of 51 litres of country-
made liquor from a motorcycle bearing Registration No.
BR02AS-4627.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Nothing has been recovered
from the conscious possession of the petitioner. Petitioner is



neither owner of the said motorcycle from which 51 litres of country-made liquor was recovered, nor he was present at the place of occurrence. Petitioner has one antecedent in connection with Excise P.S. Case No. 450 of 2022 under Section 30(a) of the Bihar Prohibition and Excise Act as amended up-to-date, in which he is on bail. 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 made against the petitioner in the FIR, Nothing has been recovered from the conscious possession of the petitioner. Petitioner is neither owner of the said motorcycle from which 51 litres of country-made liquor was recovered, nor he was present at the place of occurrence. Petitioner has one antecedent in connection with Excise P.S. Case No. 450 of 2022 under Section 30(a) of the Bihar Prohibition and Excise Act as amended up-to-date, in which he is on bail. 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 Court-2, Nawada, in connection with Excise P.S. Case No. 364 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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