

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64431 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- Excise P.S. District- Samastipur

SANJAY KUMAR, aged about 32 years, Gender- Male, S/o Baijnath Mahto
Resident of Village-Dadhiya Belar, Ward No. 10, P.S.-Karpurigram, District-
Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr.Shyam Kumar Singh, App
For the complainant	:	Mr.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-10-2023 Heard Mr. Bhaskar Shankar, learned counsel

appearing on behalf of the petitioner and Mr. Shyam Kumar
Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Rosera Excise P.S. Case No. 50 of 2023 dated 31.07.2023
registered for the offence(s) punishable under Section 30(a) of
the Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, total
quantity of liquor recovered from the car of the petitioner is 45
litres.

4. Learned counsel appearing on behalf of the
petitioner submits that petitioner is innocent and he has been
falsely implicated in this case. Learned counsel further submits



that petitioner is owner of the Maruti swift car bearing Registration No.BR33AQ-2874, which was being driven by his friend/co-accused, namely, Sunil Mahto, who may have some nexus with the Mafias, who are involved in the trade of illicit liquor. Petitioner has no concern with smuggling of 45 litres of liquor which was recovered from his car. Petitioner undertakes that he will file his personal undertaking that he will never engage himself, nor allow anyone to use his vehicle or 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 committed by the petitioner, considering the fact that every day there is news of the hooch tragedy in the State of Bihar, and as such, petitioner does not deserve to be released on bail as driver was his agent.

6. Considering the nature of allegation made against the petitioner, who has clean antecedent, as well as the fact that the petitioner has made out the case that he is owner of the vehicle which was being driven by his friend, who was apprehended on the spot and also the fact that petitioner will file his undertaking before the court below at the time of submission of bail bond that he will not involve in future in illicit trade of



liquor, 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. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise- 2, Samastipur in connection with Rosera Excise P.S. Case No. 50 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 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.

(Purnendu Singh, J)

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