

Arising Out of PS. Case No.-63 Year-2023 Thana- HARNAUT District- Nalanda

Arising Out of PS. Case No.-63 Year-2023 Thana- HARNAUT District- Nalanda

... .. Petitioner/s

Versus

... .. Opposite Party/s

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

For the Opposite Party/s : Ms. Gulnar Begum, A.P.P.

2 17-10-2023

Heard Mr. Sarvan Kumar, learned counsel

appearing on behalf of the petitioner and Ms. Gulnar Begum,
learned APP for the State.

2. At the outset, learned counsel appearing on behalf of the petitioner seeks to delete paragraph no. 7 and ‘Annexure-2’ to the bail application in course of the day.

3. Permission accorded.

4. The petitioner seeks pre-arrest bail in connection with Harnaut P.S. Case No. 63 of 2023 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act as amended up-to-date.

5. Allegation is of recovery of 48 litres of Indian made foreign liquor from a Fortuner vehicle bearing Registration No. BR01BP 9449.



6. 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 has no concern with the alleged seized liquor. The said Fortuner vehicle from which the liquor has been recovered is registered in the name of the petitioner but the same was being driven by accused persons namely, Gulshan Patel, Monu Kumar and Raju Kumar. 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.

7. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

8. Considering the nature of allegation made in the FIR against the petitioner, nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged seized liquor. The said Fortuner vehicle from which the liquor has been recovered is registered in the name of the petitioner but the same was being driven by accused persons namely, Gulshan Patel, Monu Kumar and Raju Kumar. 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. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

9. 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.- Ist, Biharsharif, Nalanda, in connection with Harnaut P.S. Case No. 63 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

10. 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 lose its force automatically.

(Purnendu Singh, J)

Niraj/-

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

