

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64328 of 2023

Arising Out of PS. Case No.-333 Year-2023 Thana- BARUN District- Aurangabad

1. Loha Singh Son Of Bangali Singh Resident Of Village - Munshi Bigha, ,P.S. - Barun, District - Aurangabad
2. Ravi Kumar Son Of Late Indreadeo Singh @ Indradev Singh Yadav Resident Of Village - Munshi Bigha, ,P.S. - Barun, District - Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mukul Kumari

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehends arrest in a case registered for the offence punishable under Section 30a of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, 108 liters illicit liquor was recovered from the house of the petitioner no.2.

4. Learned counsel appearing for the petitioners submits that the petitioners are innocent and has falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioners. Petitioners have got no criminal antecedent.

5. Learned counsel for the State submits that the recovery has been made from the house of the petitioner no.2, as such, this pre-arrest bail petition is not maintainable in view of Full Bench decision of this Court rendered in the case of **Ram**



Vinay Yadav vs. The State of Bihar reported in **2019(2) P.L.J.R. 1089 (F.B.)**.

6. Considering the aforesaid decision of this Court, this pre-arrest bail petition of petitioner no.2 is dismissed as not maintainable.

7. Prayer for bail of petitioner no.1 is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner no.1, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Court no.1, Aurangabad in Barun Police Station Case No. 333 of 2023, GR No. 997 of 2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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