

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66223 of 2023

Arising Out of PS. Case No.-654 Year-2022 Thana- Excise P.S. District- Siwan

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Jitendra Chaudhary, aged about 30 years, Gender – Male, Son of- Chhote Lal Chaudhary, Resident of Village- Hussainganj Bazaar Pasi Tola, P.S.- Hussainganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-10-2023 Heard Mr. Bijay Prakash Singh, learned counsel appearing on behalf of the petitioner and Mr. Sanjay Kumar Tiwary, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Excise P.S. Case No. 654 of 2022 registered for the offence punishable under Section 30 (a) and 30 (c) of the Bihar Prohibition and Excise Act as amended up-to-date.

3. Allegation is of recovery of 150 litres country made liquor and 5000 Kg of fermented raw material for preparation of liquor from an open field.

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 has no concern with the alleged seized liquor and the recovery has been made from an open filed which is easily accessible to anyone. 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 made in the FIR against the petitioner, as well as, the fact that place of occurrence from where the recovery has been made is easily accessible to anyone. 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.

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 Additional District Judge-V-cum Exclusive Special Judge, Excise, Court No. II, Siwan, in connection with Excise P.S. Case No. 654 of 2022, 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 lose its force automatically.

(Purnendu Singh, J)

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