

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64660 of 2023

Arising Out of PS. Case No.-473 Year-2023 Thana- Excise P.S. District- Vaishali

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Gautam Kumar age 23 yrs, Male S/O Jokhan Rai, R/O Village- Narayanpur,
Dedhpura, Ward No. 14, P.S- Mahnar, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rina Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-10-2023 Heard Ms. Rina Sinha, learned counsel appearing

on behalf of the petitioner and Mr. Manoj Kumar, learned APP

for the State.

2. The petitioner seeks pre-arrest bail in connection
with Hajipur Excise Thana P.S. Case No. 473 of 2023 registered
for the offence punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act as amended up-to-date.

3. Allegation is of recovery of 59.520 litres of Indian
made foreign liquor from the backside of a poultry farm
belonging to the petitioner.

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 poultry farm, from which 59.520 litres of Indian made foreign liquor was recovered is 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 poultry farm, from which 59.520 litres of Indian made foreign liquor was recovered is 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 Exclusive Special Excise Court-2 cum Additional District & Sessions Judge, Vaishali at Hajipur, in connection with Hajipur Excise Thana P.S. Case No. 473 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 lose its force automatically.

(Purnendu Singh, J)

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