

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64663 of 2023

Arising Out of PS. Case No.-447 Year-2023 Thana- Excise P.S. District- Banka

Santosh Kumar Suman @ Shekhar Suman aged about 38 years (Male) son of Late Arjun Prasad Yadav, resident of Village- Bhorsar, P.S- Katoria, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-10-2023 Heard Mr. Brij Nandan Prasad, learned counsel appearing on behalf of the petitioner and Ms. Sucheta Yadav, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Excise Complaint Case No. 447 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 3.375 litres of Indian made foreign liquor from the dickey of a motorcycle bearing Registration No. JH15W3580 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 said motorcycle from which 3.375 litres of Indian made foreign liquor has been recovered is registered in the name of the petitioner but was being driven by apprehended accused person. 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. 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 & Sessions Judge-V, Banka, in connection with Excise Complaint Case No. 447 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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