

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65935 of 2023

Arising Out of PS. Case No.-184 Year-2023 Thana- DIGHWARA District- Saran

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Lal Babu Ray aged about 51 years, Male, Son Of Sudarshan Rai, resident of
Village -Laddu Tola, P.S.- Dariyapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-10-2023 Heard Mr. Manoj Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Rabindra Kumar, learned
APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Dighwara P.S. Case No. 184 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 3032.28 litres of Indian
made foreign liquor from two Pick-up vans bearing Registration
No. BR06 GC 5984 and BR01GJ 0782 and a godown.

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 either with the alleged seized liquor or with the Pick-up vans and godown. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. Petitioner has four criminal antecedents in which he is on bail. Learned counsel further submitted that petitioner undertakes that he will not commit any crime, which is against the society in future. 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 against the petitioner, nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern either with the alleged seized liquor or with the Pick-up vans and godown. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. Petitioner has four criminal antecedents in which he is on bail. Learned counsel further submitted that petitioner undertakes that he will not commit any crime, which is against the society



in future. 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. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, II, cum Ist Exclusive Special Judge, Excise, Chhapara at Saran, in connection with Dighwara P.S. Case No. 184 of 2023, subject to the undertaking filed before the District Court that in future, he will not commit any crime, which is against the society, and other 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.

9. The petitioner will make his attendance before the concerned police station under which his house is located every fortnightly till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the



**concerned SHO of the police station shall submit his
monthly attendance report to the Superintendent of Police
having jurisdiction.**

(Purnendu Singh, J)

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