

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70545 of 2023

Arising Out of PS. Case No.-329 Year-2023 Thana- MURLIGANJ District- Madhepura

Lalit Yadav S/O Fokay Yadav R/O Village- Tulsiya Koti Tola, P.S.-
Bihariganj, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-11-2023 Heard Mr. Ranjay Kumar Singh, learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Murliganj P.S. Case No. 329 of 2023, registered for the
offences punishable under Sections 30(a), 32(ii)(iii) and 41(i)(ii)
of the Bihar Prohibition & Excise Act.

3. The police on a secret information that some
miscreants are engaged in unloading of illicit liquor in Rajni
village near Dimpal Sah Brick Chemni raided the place of
occurrence, however, on noticing the police party, some of the
accused persons succeeded in fleeing away. On search, total
3792 liters of foreign liquor was recovered from two vehicles,
which were parked there.



4. Learned counsel appearing on behalf of the petitioner submits that the name of the petitioner has been disclosed by the apprehended co-accused and save and except the disclosure made by the apprehended co-accused, there is no material suggesting the complicity of the petitioner in the present crime. That apart, there are other infirmities in the seizure list, inasmuch as, there is non compliance of Section 100(4) of the Cr.P.C. and, moreover, the witnesses are non else but the police personnels. He next submitted that the petitioner has though one criminal antecedent, but of not identical nature and in fact taking note of that criminal antecedent, his name has been implicated in this case, without there being any material. He next submits that the petitioner has neither any concern with the vehicle, in question, nor anyway related with the place of occurrence. He lastly submits that the petitioner undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has transpired only on the disclosure made by the



apprehended person and there is no other material suggesting the complicity of the petitioner, coupled with the infirmities in the search and seizure, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District And Session Judge 5th cum Special Judge Excise Act-1, Madhepura in connection with Murliganj P.S. Case No. 329 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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