

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70065 of 2023

Arising Out of PS. Case No.-363 Year-2023 Thana- DEHRI TOWN District- Rohtas

1. ANIL KUMAR RAJAK, Male, aged about 46 years, S/O LATE MUKHLAL RAJAK
2. VINAY KUMAR, Male, aged about 23, S/O ANIL KUMAR RAJAK Both are resident of VILLAGE- CHURI MARKET Q. NO. 75, WARD NO. 7, P.O AND PS. DALMIANAGAR, DIST. ROHTAS, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Advocate
For the Opposite Party/s : Ms.Asha Devi, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-11-2023 Heard Mr. Vinod Kumar, learned counsel appearing on behalf of the petitioners and Ms. Asha Devi, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Dehri Town (Dalmianagar) P.S. Case No. 363 of 2023 dated 17.05.2023 registered for the offence(s) punishable under Section 30(a) of the Bihar Prohibition and Excise Act

3. As per the allegation made in the FIR, 34.8 litres country made liquor was recovered beside a stair of *Churi* Market Quarter, Dalmianagar.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and they have



been falsely implicated in this case due to mistaken identity. It is further submitted that petitioner no.1 has one criminal antecedent, while petitioner no.2 has no criminal antecedent. It is further submitted that no incriminating material was recovered from the conscious possession of the petitioners.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation, as also the fact that recovery of illicit liquor was not made from the conscious possession of the petitioners, I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.1, Rohtas at Sasaram in connection with Dehri Town (Dalmianagar) P.S. Case No. 363 of 2023, subject to the conditions 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 petitioners and if it is found that the petitioners are involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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