

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71565 of 2023

Arising Out of PS. Case No.-105 Year-2023 Thana- GRIYAK District- Nalanda

MANISH KUMAR S/O SRI ARUN SINGH R/O VILL- DARIYAPUR, PS-
WARISALIGANJ, DIST-NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md.Imteyaz Ahmad, Advocate.

For the Opposite Party/s : Mr. Ajit Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-11-2023 Heard Mr. Md. Imteyaz Ahmad, learned counsel

appearing on behalf of the petitioner and Mr. Ajit Kumar,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Giriyak (Katrisarai) P.S. Case No. 105 of 2023 registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

3. As per the allegation made in the F.I.R., 24.75 litres
of Indian Made Foreign Liquor was recovered from co-accused
Navin Kumar who runs a hotel.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is not named in the F.I.R. nor
any incriminating article has been recovered from the
possession of the petitioner. Due to enmity, co-accused has
taken the name of the petitioner in the police custody.

5. Learned APP for the State has vehemently opposed



the prayer for grant of pre-arrest bail to the petitioner and submits that due to sale and consumption of illicit liquor, day after day, hooch tragedy occurs and the State Officials of different department appears to have facilitated smuggling and trade of illicit liquor inside the State of Bihar. As such, involvement of the petitioner cannot be ruled out from illicit trade of liquor.

6. Considering the fact that small quantity of liquor has been recovered and that too from the possession of co-accused Navin Kumar, petitioner has, *prima facie*, made out a case to be released on bail.

7. The petitioner 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. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise, Nalanda at Biharsharif in connection with Giriyak (Katrisarai) P.S. Case No. 105 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 and if it is found that the petitioner



is involved in some other cases as what has been stated in Para-
3 of the bail petition, this order will automatically lose its force.

9. The bail application stands disposed of.

(Purnendu Singh, J)

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