

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70627 of 2023

Arising Out of PS. Case No.-341 Year-2023 Thana- MURLIGANJ District- Madhepura

Diwakar Singh @ Chintu Singh, S/O Ashok Singh, R/O Village- Rajani, Ward
No. 9, P.S- Murliganj, Distt.- Madhepura(Bihar).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarjyoti Sharma, Advocate

For the Opposite Party/s : Mr. Anita Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-11-2023 Heard Mr. Amarjyoti Sharma, learned counsel

appearing on behalf of the petitioner the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Murliganj P.S. Case No. 341 of 2023, registered for the
offences punishable under Sections 30(a), 32(ii)(iii), 41(i)(ii) of
the Bihar Excise and Prohibition Act, 2022.

3. It is alleged that on the basis of a secret information
the police conducted a raid in the house of one Dabalu Singh,
and in course of search, total 691.200 liters of illicit liquor has
been recovered from the husk house. The name of the petitioner
has been disclosed by the apprehended co-accused Dabalu
Singh.

4. It is submitted on behalf of the petitioner that save



and except the disclosure made by co-accused Dabalu Singh, there is no materials suggesting the complicity of the petitioner in the present crime. Furthermore, the petitioner has neither any concern with Dabalu Singh nor with the alleged recovered illicit wine. Learned counsel for the petitioner further drew the attention of this Court to the copy of the FIR which is marked as Annexure 2, being Murliganj P.S. Case No. 329 of 2023 and with reference thereto he submits that just seven days before the occurrence, the afore-noted FIR has been instituted, wherein the petitioner has also been made accused but surprisingly the seizure list, depicts the same materials/ illicit wine, having same batch number, which is said to have been recovered in the present case and thus, the false implication of the petitioner and the malicious prosecution cannot be ruled out. He next submits that in fact the name of the petitioner has been implicated on account of his past criminal antecedent, though he is already on bail in both the cases.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner is a habitual offender.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged



recovery has been made from the house of one Dabulu Singh, and the petitioner has neither any concern with the co-accused nor with the alleged recovered seized illicit wine, 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.20,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-V-cum-Special Judge (Excise) Madhepura in connection with Murliganj P.S. Case No. 341 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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