

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.70077 of 2023

Arising Out of PS. Case No.-290 Year-2022 Thana- ALAMGANJ District- Patna

1. CHANDAN KUMAR @ GOLU, male, age 22 years, Son of Mahedra Sao @ Bakhori
2. Amar Kumar, male, age 25 years, Son of Late Bilash Sah
Both R/o vill - Rikabganj, Durga Charan Lane, Thathera Gali, P.S. - Alamganj, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudra Deo, Advocate
For the Opposite Party/s : Mr.Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-11-2023 Heard Mr. Rudra Deo, learned counsel appearing on behalf of the petitioners and Mr. Parmanand Prasad, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Alamganj P.S. Case No. 290 of 2022 dated 05.04.2022 registered for the offence(s) punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, 39.60 litres of foreign liquor has been recovered from Thathera Gali in Durga Charan Lane.



4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and they have have been falsely implicated in this case. It is further submitted that recovery of illicit liquor has been made from a public place which is accessible to anyone and petitioners have nothing to do with the alleged recovered liquor. Petitioners have clean antecedent.

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 has been made from a public place, which is accessible to anyone, 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 Special Judge, Excise, Patna City, Patna in connection with Alamganj P.S. Case No. 290 of 2022, 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 petitioner and if it is found that the petitioner is 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)

Sanjay/-

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