

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70349 of 2023

Arising Out of PS. Case No.-193 Year-2023 Thana- PARANDABAR District- Nawada

Rajdeo Bhuiyan, aged about 35 years (Male), S/O Hemraj Bhuiyan, Resident
of Village- Southern Kewal, P.S- Sirdalla, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-11-2023 Heard Mr. Sheo Kumar Prasad, learned counsel

appearing on behalf of the petitioner and Ms. Gulnar Begum,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Parnadabar P.S. Case No. 193 of 2023 registered for the
offence punishable under Sections 30(c) and 41 of the Bihar
Prohibition and Excise Act as amended up-to-date.

3. As per the allegation made in the FIR, altogether
1800 litres of sweet *Mahua* solution was recovered from a forest
in course of raid conducted at different places.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Nothing has been recovered
from the conscious possession of the petitioner. Petitioner has



no concern with the alleged seized liquor. Recovery was made from an open place, which was easily accessible to anyone. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. Petitioner has one criminal antecedent of similar nature committed under Bihar Prohibition and Excise Act. On these grounds, petitioner seeks to be released on pre-arrest bail.

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

6. Considering the nature of allegation made in the FIR against the petitioner, as well as, nothing has been recovered from the conscious possession of the petitioner. Recovery was made from an open place, which was easily accessible to anyone. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. Petitioner has one criminal antecedent of similar nature committed under Bihar Prohibition and Excise Act. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, 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. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge 1st, Nawada, in connection with Parnadabar P.S. Case No. 193 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 as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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