

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71672 of 2023

Arising Out of PS. Case No.-249 Year-2023 Thana- DUMARIAGHAT District- East
Champaran

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MANTOSH RAI @ MANTOSH YADAV @ SANTOSH RAI, aged about 27
years, Male, Son of Late Shivbalak Ray R/o vill - Dhangaraha, Ward no. 2,
P.S. - Dumariyaghat, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Advocate

For the Opposite Party/s : Mr.Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-11-2023 Heard Mr. Sanjay Kumar Tiwari, learned counsel

appearing on behalf of the petitioner and Mr. .Parmanand

Prasad, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Dumariyaghat P.S. Case No. 249 of 2023 dated 07.09.2023
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, 10 litres of
illicit country made liquor was recovered from the courtyard of
the house of the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has been
falsely implicated in this case. It is further submitted that the



courtyard is accessible to any other member of the joint house and petitioner was not present at the time of such recovery and he has no connection with the seized liquor.

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

6. Considering the nature of allegation and also the facts that recovery of illicit liquor has been made from the courtyard house of the petitioner, which is accessible to any other member of the house and petitioner was not present at the time of such recovery, 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 Court No.3, East Champaran, Motihari in connection with /Dumariyaghat P.S. Case No. 249 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 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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