

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71356 of 2023

Arising Out of PS. Case No.-308 Year-2023 Thana- RAJPUR District- Buxar

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ABHISHEK KUMAR RAI @ BABUA RAI, aged about 29 years (M), SON
OF MITHLESH RAI, R/O VILLAGE - DEHARI, P.S.- RAJPUR,
DISTRICT- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-11-2023 Heard Mr. (Dr.) Kamal Deo Sharma, learned counsel

appearing on behalf of the petitioner and Mr. Sanjay Kumar

Pandey, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Rajpur P.S. Case No. 308 of 2023 dated 25.08.2023
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, 6 litres of
country made illicit liquor was recovered from the *Dalan* 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 due to suspicion. It is further



submitted that no incriminating article has been recovered from the conscious possession of the petitioner and the alleged recovery of liquor was made from the open *Dalan* of the joint family of the petitioner, which is accessible to anyone.

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 fact that recovery of illicit liquor has been made from the open *Dalan* of the joint family of the petitioner, which is accessible to anyone, 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 Judge, Excise Court No.1, Buxar in connection with Rajpur P.S. Case No. 308 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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