

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70346 of 2023

Arising Out of PS. Case No.-576 Year-2023 Thana- FATEHPUR District- Gaya

Manish Kumar Son Of Arjun Yadav R/O Village- Paharpur, P.S.- Fatehpur,
District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-11-2023 Heard Mr. Durgesh Nandan, learned counsel

appearing on behalf of the petitioner and Mr. Ram Sumiran Rai,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Fatehpur P.S Case No.576 of 2023 dated 31.07.2023
registered for the offence punishable under Section 30 (a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Allegation is of recovery of 7.125 litres foreign
liquor from the house of one Tuntun Tiwari.

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 and the house from

which 7.125 litres of foreign liquor was recovered belongs to Tuntun Tiwari. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. Though the petitioner has one criminal antecedent but he is on bail in the said case. 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, the fact that recovery of illicit liquor has been made from the house of Tuntun Tiwari, 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 eight 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.4, Gaya, in connection with Fatehpur P.S Case No.576 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J.)

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