

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71468 of 2023

Arising Out of PS. Case No.-246 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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Rama Yadav Son Of Bhikhari Yadav Resident Of Village- Mohanpur, P.S.
Sadar, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saurav Anand, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-11-2023 Heard Mr. Saurav Anand, learned counsel appearing

on behalf of the petitioner and Mr. Shailendra Kumar Singh,

learned APP appearing on behalf of the State.

2. The petitioner seeks anticipatory bail in connection
with Sadar P.S. Case No.246 of 2023 registered under Section
30(a) of Bihar Prohibition & Excise Act, 2018.

3. Allegation is of smuggling of 405 liters Nepali
Saufi liquor against the petitioner, which was recovered near a
railway track, in the district of Darbhanga, on the basis of secret
information.

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 clean antecedent. Petitioner has no concern with the alleged seized Nepali Saufi liquor. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. The alleged recovery has been made near railway track, which is a public place and it is accessible to everyone. On these grounds and in the absence of specific allegation against the petitioner, he can not be held liable for smuggling of Nepali Saufi liquor alongwith Shiv Kumar @ Sujeet. On these above mentioned 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 the petitioner has been made accused in the present case on the basis of suspicion, the law is well settled in this regard that a strong suspicion, howsoever, cannot take the place of proof and for suspicion, an under-trial cannot be kept behind the bar, even after completion of investigation, 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 her arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 2,00,000/- (Rupees Two Lakhs) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-I (Excise Act), Darbhanga, in connection with Sadar P.S. Case No.246 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J.)

Ashishsingh/-

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