

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71447 of 2023

Arising Out of PS. Case No.-567 Year-2023 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Raj Kumar Mandal aged about 22 years (Male), son of Jangali Mahto @
Sohan Mandal, resident of Mohalla - Akharaghat Jheel Nagar, Ward No.14,
P.S. - Town, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-11-2023 Heard Mr. Ravi Ranjan, 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 Muzaffarpur Town (Sikandarpur O.P) P.S. Case No. 567 of
2023 dated 11.07.2023 registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act as
amended up-to-date.

3. Allegation is that of recovery of 54 litres of Indian
made foreign liquor near bank of Budhi Gandak River.

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. Petitioner is not involved either in manufacturing or in trade of illicit liquor. Place of recovery is bank of river which is easily accessible to anyone. Petitioner has one criminal antecedent in connection with Muzaffarpur Town (Sikandarpur O.P.) P.S. Case No. 133 of 2019 in which he is on bail. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He further submits that trade of illicit liquor is rampant in the State of Bihar and often hooch tragedy is being occurred due to consumption of illicit liquor by the people at large and as such petitioner is involved in heinous crime and he does not deserve to be released on bail.

6. Considering the nature of allegation made in the FIR against the petitioner, as well as, nothing have recovered from the conscious possession of the petitioner. Petitioner has pleaded that he has no concern with the alleged seized liquor nor he is not involved either in manufacturing or in trade of illicit liquor. Place of recovery is bank of river which is easily accessible to anyone. Petitioner has one criminal antecedent in connection with Muzaffarpur Town (Sikandarpur O.P.) P.S. Case



No. 133 of 2019 in which he is on bail. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on 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 six weeks from today, on furnishing bail bond of Rs. 100,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Muzaffarpur, in connection with Muzaffarpur Town (Sikandarpur O.P) P.S. Case No. 567 of 2023 dated 11.07.2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Niraj/-

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