

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75391 of 2023

Arising Out of PS. Case No.-206 Year-2023 Thana- KUTUMBA District- Aurangabad

PRASHANT RATHAUR S/O LATE MUMTAJ RATHAUR VILLAGE-
JAMUA TOLE NATWA TIKAR, PS. KUTUMBA, DIST. AURANGABAD
(BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlendra Pd. Singh, Advocate.

For the Opposite Party/s : Mr.Ahmad Ali, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2023 Heard Mr. Kamlendra Prasad Singh, learned counsel

appearing on behalf of the petitioner and Mr. Ahmad Ali,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Kutumba P.S. Case No. 206 of 2023 registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. Allegation is of recovery of 2 litres of Mahua wine
from a motorcycle bearing Registration No. BR -26J-1412.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner has no concern either
with the seized Mahua liquor or with the motorcycle from which
Mahua liquor was recovered. Petitioner is not involved in trade



of liquor in any manner. The name of the petitioner surfaced in the case on the disclosure made by the apprehended accused and the chaukidar due to dirty village politics. Petitioner has clean antecedent.

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

6. Considering the nature of allegation made against the petitioner and the fact that the name of the petitioner has surfaced in the case on the disclosure made by the apprehended accused and the chaukidar due to dirty village politics, 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. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.1, Aurangabad in connection with Kutumba P.S. Case No. 206 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. 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 Para-3 of the bail petition, this order will automatically lose its force.



8. The bail application stands disposed of.

(Purnendu Singh, J)

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