

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75407 of 2023

Arising Out of PS. Case No.-402 Year-2023 Thana- ATRI District- Gaya

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ROHIT KUMAR @ RAJA @ ROHIT SHARMA S/O SRI RAMVIJAY
SHARMA R/O VILLAGE- SIDH, P.S- ATRI, DISTT.- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh, Advocate.

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2023 Heard Mr. Prithivi Raj Singh, learned counsel

appearing on behalf of the petitioner and Mr. Lakshmi Kant

Sharma, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Atri P.S. Case No. 402 of 2023 registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. Allegation is of recovery of 16.5 litres of foreign
liquor from a Scorpio without registration number parked near
the road. The petitioner is said to have fled away from the place
of occurrence.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is innocent and he has
been implicated in a false case. Petitioner has no concern either
with the seized liquor or the vehicle in question. Petitioner is not
involved in trade of liquor in any manner. Nothing was



recovered from conscious physical possession of the petitioner.
The Scorpion from which liquor was recovered don't belong to the petitioner.

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

6. Considering the nature of allegation levelled against the petitioner and the fact that the vehicle from which liquor was recovered don't belong to the petitioner, 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 Additional Sessions Judge cum Exclusive Special Excise Court No.1, Gaya in connection with Atri P.S. Case No. 402 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.

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(Purnendu Singh, J)

