

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75502 of 2023

Arising Out of PS. Case No.-274 Year-2023 Thana- PATAHI District- East Champaran

SUSHIL PRASAD YADAV, aged about 36 years, Male, S/O BIDYA RAI,
Resident of VILLAGE- CHAMPAPUR, PS. PATAHI, DIST. EAST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2023 Heard Mr. Ajay Kumar Singh, learned counsel

appearing on behalf of the petitioner and Mr. Kumar Ranjit

Ranjan learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Patahi P.S. Case No. 274 of 2023 dated 31.08.2023
registered for the offence(s) punishable under Section 30(a) of
the Bihar Prohibition and Excise Act

3. As per the allegation made in the FIR, 25 litres of
illicit foreign liquor was recovered from the bamboo clumps of
one Bharat Rai.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has been
falsely implicated in this case. It is further submitted that no



incriminating article has been recovered from the conscious possession of the petitioner, rather the illicit liquor has been recovered from the bamboo clumps of one Bharat Rai and petitioner has no concern either with the alleged bamboo clumps or with the seized liquor. It is further submitted that though the petitioner has three criminal antecedents but he is on bail in all the said cases. Petitioner undertakes that he will not involve in criminal activities in future and to that effect, he is ready to file his personal affidavit along with two respectable persons of the village where he resides.

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

6. Considering the nature of allegation and also the facts that recovery of illicit liquor has not been made from the conscious possession of the petitioner and petitioner is also ready to give his undertaking that he will not involve in criminal activities in future by filing affidavit along with two respectable persons of the village where he resides, 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 his arrest or surrender



before the Court below within a period of four 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 Judge, Excise Court No.3, East Champaran at Motihari in connection with Patahi P.S. Case No. 274 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. 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 paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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