

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75494 of 2023

Arising Out of PS. Case No.-173 Year-2023 Thana- WARISNAGAR District- Samastipur

Vijay Mahto S/O- Late Somar Mahto @ Late Soman Mahto R/O- Village-
Sari, P.S.- Warisnagar, Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2023 Heard Mr. Deepak Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Manoj Kumar,
learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with
Warisnagar P.S. Case No. 173 of 2023, registered for the offences
punishable under Section 30(a) of Bihar Prohibition & Excise
Act (Amended).

3. Prosecution story in short is that the police seized
04.875 ltrs. of foreign liquor from the shop of the petitioner and
05 ltr. *chulai* country-made liquor from the cottage type shop of
the brother of the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submits that the said liquor has been seized from a
hut, which is in the open place and it does not belong to the
petitioner. Petitioner has criminal antecedent of three cases, all



under the Excise Act.

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

6. Having considered the rival submissions made on behalf of the parties and considering the nature of allegation of recovery of total 9.875 ltr. of liquor, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned 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 the court of Addl. Sessions Judge cum Special Judge Excise Act 2, Samastipur in connection with (Warisnagar P.S.Case No.173 of 2023), subject to conditions as laid down under Section 438(2) of the Cr.P.C.

7. The learned 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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