

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4200 of 2024

Arising Out of PS. Case No.-218 Year-2021 Thana- DARIHAT District- Rohtas

Ritesh Kumar S/O Sita Ram Singh Village- Nand Tola, Hurka, Ps. Darihat,
Dist. Rohtas (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2024 Heard Mr. Jai Prakash Singh, learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Darihat P.S. Case No. 218 of 2021, registered for the
offences punishable under Sections 30(a) of the Bihar Excise &
Prohibition Act.

3. It is alleged that in course of patrolling the police
reached at village Hurka. On noticing the police persons, 3 to 4
persons who were on motorcycle, succeeded in fleeing away. On
search, total 185 litres of country made liquor was recovered
from the bush, near the bank of river Sone.

4. Learned counsel appearing on behalf of the
petitioner submits that save and except the disclosure made by



the local villagers, there is no material suggesting the complicity of the petitioner in the present crime. Moreover, the alleged recovery has been made near the bank of the river which is an open place, easily accessible to all. Further all the witnesses to the seizure are none else but the police personnel and, as such, there is no compliance of the Section 100 of the Code of Criminal Procedure. He next submitted that though the petitioner is carrying one criminal antecedent, but of different nature and he is on bail in the said case. The petitioner undertakes that he will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from an open place, easily accessible to all and the identification of the petitioner is doubtful, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of the learned Exclusive Special Excise Court No.1
-cum-Additional District & Sessions Judge, Rohtas, Sasaram in
connection with Darihat P.S. Case No. 218 of 2021, subject to
the conditions laid down in Section 438(2) Cr.P.C. with the
further condition that one of the bailors shall be the own/close
family members of the petitioner.

(Harish Kumar, J)

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