

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9134 of 2024

Arising Out of PS. Case No.-15 Year-2021 Thana- RAHIKA District- Madhubani

Md. Sahnawaj @ Gulab S/o Md. Sahabuddin Resident of Village - Lemuari
Ward No. 8, P.S. - Patepur, Dist. - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Sah, Advocate

For the Opposite Party/s : Mr. Arbind Kumar Pandey, APP- 84

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-02-2024 Heard Mr. Bhavesh Sah, learned counsel appearing
on behalf of the petitioner and Mr. Arbind Kumar Pandey,
learned APP- 84 appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Rahika P.S. Case No. 15 of 2021 (G.R. No.196 of 2021)
registered under Sections 147, 148, 149, 323, 324, 325, 307,
427, 332, 333, 353, 186, 504, 506, 120(B) of the Indian Penal
Code and 45 of the Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, the accused
persons named therein had assaulted the government officials,
who were engaged in a raid, in which some of the officials were
assaulted and were chased from the place of occurrence, where
intoxicating country-made liquor was being manufactured,

seizure list was prepared and empty bottles were seized.

4. Learned counsel appearing on behalf of the petitioner submits that neither the petitioner had been named in the FIR, rather 4 named accused persons and 20-25 unknown persons were engaged in the commission of the offence nor he had assaulted any of the government officials and he has falsely been implicated in the present case for the alleged offence. Learned counsel further submits that petitioner has one antecedent, which is not related to the Bihar Prohibition and Excise Act.

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

6. Considering the rival submissions made on behalf of the parties, as well as, the general and omnibus nature of allegation levelled against the petitioner that he had assaulted the raiding team of the Excise Department, in which some of the members sustained injury and the petitioner had also claimed that he was not involved in the illicit manufacturing of liquor, I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. Court below is directed to release the petitioner on anticipatory 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 learned 2nd Additional Sessions Judge – cum – Special Judge, Excise Act, Madhubani in connection with Rahika P.S. Case No. 15 of 2021 (G.R. No.196 of 2021), subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J.)

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