

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25827 of 2024

Arising Out of PS. Case No.-241 Year-2023 Thana- KALYANPUR District- East Champaran

Teras Pandit, Son of Jatu Pandit, Resident of Village - Bhatwaliya, P.S. -
Kalyanpur, District - East Champaran

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-08-2024 Heard Mr. Kundan Rathore, learned counsel

appearing on behalf of the petitioner and Mr. Mritunjay Kumar

Nirala, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Kalyanpur P.S Case No. 241 of 2023 registered for the
offence punishable under Sections 30 (a) and 41(i) of the Bihar
Prohibition and Excise Amendment Act, 2018.

3. As per the allegation made in the FIR, 163 litres of
foreign liquor and 6.480 liters of country made wine were
recovered from a tempo, parked at the petitioner's door.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Petitioner has no concern



either with the alleged seized liquor or the tempo parked at the petitioner's door, from which 163 litres of foreign liquor and 6.480 liters of country made wine were recovered. On these grounds, petitioner seeks to be released on pre-arrest bail.

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

6. Considering the nature of allegation made in the FIR against the petitioner, as well as, the fact that the illicit liquor was recovered from outside of the house of the petitioner and tempo, from which the seized liquor is said to have been recovered, is not registered in the name of the petitioner, 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 learned District Court 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 Excise Court No.3/concerned Court, East Champaran, Motihari in connection with Kalyanpur P.S Case No. 241 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



8. The learned District Court is directed to verify, as to whether, the tempo is registered in the name of the petitioner or his family member(s) and if it is found that tempo is registered in the name of the petitioner or his family member(s) then in that case the order will lose its force automatically.

9. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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