

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28111 of 2024

Arising Out of PS. Case No.-161 Year-2023 Thana- SITAMARHI District- Sitamarhi

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Brajesh Kumar S/o Shambhu Saran Bhagat R/o vill - Mohanpur, P.S. -
Sitamarhi, Distt. - Sitamarhi, At present R/o vill - Haribela, P.S. - Bathnaha,
Distt. - Sitamarhi Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-07-2024 Heard learned counsel for the petitioner and learned APP for
the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Sitamarhi P.S. Case No. 161 of 2023 registered for the offences punishable under Sections 30(a), 38(1), (2), 41(1) of the Bihar Prohibition and Excise Act, 2018. He has got four criminal antecedents and in all these cases, he is on bail.

3. As per the prosecution story, when police conducted a raid near the godown, it was found that bus was standing and some persons were unloading some articles. It is alleged that on seeing the police party, the people started fleeing here and there. Police arrested one person, namely, Saroj Kumar who had come with the bus, he disclosed that the illicit liquors (1345.1 liters) were brought by Santosh Singh and Brajesh Kumar. The informant who is a Police Officer of Sitamarhi Police Station has alleged that despite complete ban on the sale of liquor in the State, the accused persons are involved in getting

consignment of liquors from outside the State.

4. Learned counsel submits that it is a case of false implication and the petitioner was not arrested from the spot. The godown belongs to co-accused Santosh Singh.

5. Learned APP for the State submits that the name of this petitioner has transpired not only from the co-accused but even from other materials such as the number of criminal antecedents of the petitioners, his involvement in similar kind of offences would demonstrate that the petitioner does not deserve privilege of pre-arrest bail.

6. Having heard learned counsel for the petitioner and the State, this Court finds that there is not only an allegation coming through the apprehended accused against the petitioner being involved in getting consignment of liquor with the co-accused Santosh Kumar, there are at least four criminal antecedents of identical nature and he is said to be on bail in all those cases, therefore, he being on bail is getting involved in similar kind of occurrences, hence, this Court is not inclined to grant privilege of pre-arrest bail to the petitioner.

7. The prayer for pre-arrest bail of the petitioner is, thus, refused.

8. The application is dismissed.

(Rajeev Ranjan Prasad, J)

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