

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30859 of 2024

Arising Out of PS. Case No.-123 Year-2023 Thana- KALYANPUR District- Samastipur

Rajan Sah @ Rajan Kumar S/o Om Prakash Sah R/o vill - Manjil Mubarak,
P.S. - Kalyanpur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Kalyanpur P.S. Case No. 123 of 2023, registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. The police on a secret information conducted raid in the house of co-accused Pramod Sah and on search, 1020.960 litres of illicit foreign liquor was recovered. Local persons who were assembled there disclosed the name of the petitioner and other co-accused persons on the basis whereof the FIR has been lodged.

4. Learned counsel appearing on behalf of the



petitioner submitted that admittedly the recovery has been made from the house of Pramod Sah and the petitioner has neither any connection with the co-accused Pramod Sah nor with the illicit liquor which is said to have been recovered from the house of co-accused. It is further contended that barring the disclosure made by local people, whose name has not even been disclosed, there is no material suggesting the complicity of the petitioner in the present crime. That apart there is other discrepancies in the search and seizure in as much as no compliance of Section 100 of the Cr.P.C. is made. It is lastly contended that the petitioner is a man of fair antecedent and he undertakes that he will fully co-operate in the investigation and 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 name of the petitioner has been disclosed by local people and save and except the disclosure there is no material coupled with the fair antecedent, 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 Judge, Excise-1st, Samastipur in connection with Kalyanpur P.S. Case No. 123 of 2023, 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.

7. The application stands allowed.

(Harish Kumar, J)

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