

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37710 of 2024

Arising Out of PS. Case No.-85 Year-2024 Thana- JALALPUR District- Saran

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1. Rana Singh Son of Haresh Singh R/O village - Mairwa, P.S.- Dautpur, District - Saran
 2. Amit Kumar Pandit Son of Tribhuvan Pandit R/O Village - Vishunpura, P.S.- Jalapur, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar

For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 26-06-2024 Heard Mr. Bijendra Kumar Singh, learned counsel
for the petitioners and Mr. Harendra Prasad, learned APP for the
State.

2. The petitioners seek pre-arrest bail in connection
with Jalalpur P.S. Case No. 85 of 2024, dated 28.03.2024,
registered for the offence(s) punishable under Section 30(a) of
Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The allegation is of recovery of 480 litres of
country-made liquor from an Alto Car.

4. Learned counsel appearing on behalf of the
petitioners submits that the petitioners have been falsely
implicated in the case. They have no concern either with the
seized liquor or trade of liquor in any manner. He further



submits that the recovery is not made from conscious possession of the petitioners rather it has been recovered from an Alto car and petitioners are passer by, however, due to enmity, petitioners have been named in the F.I.R. Petitioners claim three criminal antecedent, as stated in paragraph 3 of the bail application which is of similar nature in which petitioners have been released on bail in all the cases.

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

6. Having considered the rival submissions made on behalf of the parties, the total recovery of country-made liquor which is 480 litres, from the car but the same is not registered in the name of the petitioner as well as the petitioner has criminal antecedent and the allegation in all those cases are under Section 30(a) of Bihar Excise and Prohibition Act, it is also unknown to all the common people that in spite of complete Prohibition in the State and statutory provision of the Bihar Excise Act, 2016, as amended up-to date, each day large quantities of liquor are being smuggled from neighbouring State and it is consumed in the market. Petitioners have been alleged to be involved in three criminal cases, however, they are on bail.

7. Considering the fact that recovery is from Alto Car



not belonging to the petitioners, the petitioners, above named are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail-bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Judge, Saran at Chapra, in connection with Jalalpur P.S. Case No. 85 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C., subject to the further condition that District Court must verify the owner of the Alto Car bearing Registration No. BR-1AK-6758 from the District Transport Officer and after being satisfied that the same is not registered in the name of the petitioners, the petitioners are directed to be released on bail subject to further condition that the petitioners must file his personal undertaking that he will not indulge in criminal act in future, subject to the further condition that one of the bailors shall be Government servant.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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