

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40414 of 2024

Arising Out of PS. Case No.-97 Year-2023 Thana- SARAIYA District- Muzaffarpur

Ravindra Rai @ Ravindra Kumar Ray, aged about 37 years (Male), S/O Late Sakal Rai, Resident of village Ibrahimpur, P.S.-Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-10-2024 Heard Mr. Arbind Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Md. Matloob Rab, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Saraiya P.S. Case No. 97 of 2023 dated 16.02.2023 registered for the offence(s) punishable under Sections 272/273 of the Indian Penal Code and Sections 30(a), 32(ii)(iii), 41(i) of the Bihar Prohibition and Excise Act as amended up-to-date.

3. As per the allegation made in the FIR, 461.385 litres of illicit foreign liquor was recovered from maize fields.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Alleged recovery of liquor has been made from the maize field of Jamadar Rai and mustard



field of Baijnath Rai. Petitioner has no concern with the seized liquor or with the maize field from which the liquor was recovered neither he is involved in trade of liquor in any manner. The place of recovery is an open place which is accessible to anyone. Other co-accused, namely, Mithilesh @ Mithilesh Rai has already been released on bail by this Court vide order dated 01.11.2023 passed in Cr. Miscellaneous No. 70073 of 2023. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and submits that due to sale and consumption of illicit liquor, day after day, hooch tragedy occurs and the State Officials of different department appears to have facilitated smuggling and trade of illicit liquor inside the State of Bihar. As such, involvement of the petitioner cannot be ruled out from illicit trade of liquor.

6. Considering the fact that the recovery of 461.385 litres of illicit foreign liquor was recovered from maize fields, which is an open place and easily accessible to any one and other co-accused, namely, Mithilesh @ Mithilesh Rai has already been released on bail by this Court vide order dated



01.11.2023 passed in Cr. Miscellaneous No. 70073 of 2023, 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 Judge, Excise, Court No.-II, Muzaffarpur in connection with Saraiya P.S. Case No. 97 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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