

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40592 of 2024

Arising Out of PS. Case No.-113 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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Dharpar Singh @Akhilesh Singh @Akhilesh Kumar, S/O Arun Singh, R/O Village Rahatpur, Chora Patti(Balaji Asthan), P.S. Ballia, Distt-Begusarai. At present R/O Mali Tola, Station Road, P.S. Town, Distt-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-05-2024 Heard Mr. Ashok Kumar, learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Excise Case No. 113c2 of 2021, registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Acting on a tip off, the police conducted raid near the bus stand. In course of search, 18 liters Indian made foreign liquor was recovered. The local people assembled at the place of occurrence, disclosed the name of the petitioner.

4. Learned counsel appearing on behalf of the petitioner contended that from the FIR it is evident that the



alleged recovery has been made from NH 31, which is a public place accessible to all. Save and except the disclosure made by local people and passer-by, there is no material suggesting the complicity of the petitioner in present crime. It is further contended that only on account of a past criminal antecedent of identical nature, the name of the petitioner has been implicated in this case without there being any material. It is next contended that the petitioner undertakes that he will fully cooperate in 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 alleged recovery has been made from a public place coupled with the infirmities in the search and seizure, 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 Excise Court No.- 2, Begusarai in connection with Excise Case No. 113c2 of 2021, 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.

(Harish Kumar, J)

supratim/-

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