

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45006 of 2024

Arising Out of PS. Case No.-270 Year-2023 Thana- WARISNAGAR District- Samastipur

Arjun Kumar @ Rahul, aged about 28 years (Male) son of Raju Sah @ Mahesh Sah, Resident of Village- Ramnagar Sari, P.S- Mathurapur (O.P), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-08-2024 Heard Mr. Pramod Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Damodar Prasad Tiwary, learned APP for the State.

2. The petitioner seeks regular bail in connection with Warisnagar P.S. Case No. 270 of 2023 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act as amended up-to-date.

3. Allegation is of recovery of 750 ml. Indian Made Foreign Liquor from the pocket of co-accused person, namely, Vikash Kumar @ Bittu. Petitioner is stated to be the supplier of the said liquor.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated



in the case due to local village politics. Petitioner has been made accused on the basis of confessional statement made by co-accused, namely, Vikash Kumar @ Bittu. Petitioner has no concern with the seized liquor nor he is involved in trade of liquor in any manner. Petitioner is in custody since 28.04.2024. 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 nature of allegation made in the FIR, as well as, the fact that petitioner has been made accused on the basis of confessional statement made by co-accused Vikash Kumar @ Bittu and petitioner is in custody since 28.04.2024, learned District Court is directed to release the petitioner above named on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of



the like amount each to the satisfaction of learned Special Judge (Excise)-02, Samastipur, District- Samastipur, in connection with Warisnagar P.S. Case No. 270 of 2023 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the District Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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