

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44074 of 2024

Arising Out of PS. Case No.-99 Year-2023 Thana- KALYANPUR District- East Champaran

Raushan Singh Son of Bhim Sharma Singh @ Premsharma Singh R/O Vill.-
Siswa Narsingh, P.S.- Kalyanpur, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Kumar Tiwari

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 04-10-2024 Heard the parties.

2. The petitioner apprehends his arrest in connection with Kalyanpur P.S. Case No. 99 of 2023, registered for the offences punishable under Sections 30(a) & 41(1) of Bihar Prohibition and Excise (Amendment) Act.

3. In course of patrolling, the police received an information that co-accused Sanjay Rana along with his associates kept illicit liquor in a sugarcane field. Acting on a tip off, the police raided the place of occurrence and recovered 112.320 litres Indian Made Foreign Liquor. Noticing the police party, some of the persons succeeded in fleeing away. However, later on the villagers disclosed the name of the petitioner and others.

4. Learned Advocate for the petitioner contended that



the narrations made in the FIR clearly suggest that the alleged recovery of the illicit wine has been made from an open place which is easily accessible to all. The petitioner has neither any concern with the place in question nor with the alleged illicit liquor. Co-accused person having identical allegation has been allowed the privilege of anticipatory bail in Cr. Misc. No. 32942 of 2024 vide order dated 28.05.2024, copy of which has been placed on record. The petitioner bears fair antecedent and he undertakes before this Court 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 sugarcane field which does not belong to the petitioner nor there is any material on record suggesting the complicity of the petitioner in the present crime, coupled with the fact that co-accused person having identical allegation has been allowed the privilege of bail, 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 Court of Exclusive Special Excise Court No. 1, Civil Court, East Champaran at Motihari in connection with Kalyanpur P.S. Case No. 99 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.

(Harish Kumar, J)

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