

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47254 of 2024

Arising Out of PS. Case No.-27 Year-2023 Thana- VIJAYEPUR District- Gopalganj

Ramesh Sahani @ Ramesh Mandal, aged about 26 years, Male, Son of Lalji Sahani, R/O Village- Hardiya, P.S.- Vijayipur, District- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-08-2024 Heard Mr. Vikash Kumar Shukla, learned counsel appearing on behalf of the petitioner and Mr. Ajit Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Vijayipur P.S. Case No. 27 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 17 litres of country-made liquor from a Hero Splendor Pro motorcycle bearing Registration No. BR28N-704, Engine No. HA10EYEHM35480 and Chassis No. MBLHA10CAFHM05261.

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 no



concern either with the alleged seized liquor or with the motorcycle from which the 17 litres of country-made liquor was recovered, nor he is involved in trade of illicit liquor in any manner. 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 against the petitioner, as well as, the fact that the recovery of 17 litres of country-made liquor, 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 Additional District and Sessions Judge 4th cum Exclusive Special Excise



Court No. II, Gopalganj, in connection with Vijayipur P.S. Case No. 27 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. Learned District Court is directed to verify the registration of the motorcycle, from which 17 litres of country-made liquor was recovered, from the District Transport Office concerned and if the same found to be registered in the name of the petitioner or his any of the family member, this order will lose its force automatically.

8. **The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

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