

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47470 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- DUMARIYA District- Gaya

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1. Raja Mahto S/o Late Ramdhani Mahto R/O Village-Matha,P.S.-Dumariya, District-Gaya
 2. Sital Mistry @ Sita Mistry S/o Raghunath Mistry R/O Village-Matha,P.S.-Dumariya, Distt-Gaya
 3. Rajesh Bhuiyan S/o Sahdeo Bhuiyan R/O Village-Budhi Bandh, P.S.-Dumariya, Distt-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Advocate.
For the Opposite Party/s : Mr.Suresh Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-08-2024 Heard Mr. Sudhir Kumar Sinha, learned counsel appearing on behalf of the petitioners and Mr. Suresh Prasad Singh, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Dumariya P.S. Case No. 31 of 2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. Allegation is of recovery of 10 litres of illicit mahua liquor and 500 litres jawa mahua from near the Kariba Pahar.

4. Learned counsel appearing on behalf of the



petitioners submitted that the petitioners have been falsely implicated in the case on the disclosure made by the local chaukidar due to enmity. They have no concern either with the seized liquor or trade of liquor in any manner. The place of recovery is an open place which is accessible to anyone. The petitioners have clean antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners and submitted 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 petitioners cannot be ruled out from illicit trade of liquor.

6. Considering the nature of allegation against the petitioners, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Judge No.3, Gaya in connection with Dumariya P.S. Case No. 31 of 2024, subject to



the condition as laid down under Section 438(2) of the Cr.P.C.

7. The District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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