

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47469 of 2024

Arising Out of PS. Case No.-110 Year-2024 Thana- SONBERSA District- Sitamarhi

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Bijali Kumar @ Saroj Kumar Son of Bhuta Singh @ Ram Balam Singh
VILLAGE- KARWANA KORiyAHI, P.S.- SURSAND, DISTT.-
SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate.

For the Opposite Party/s : Mr. Dinesh Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-08-2024 Heard Mr. Hans Lal Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Dinesh Singh,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Sonbarsa P.S. Case No. 110 of 2024 registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. Allegation is of recovery of 177 litres of Nepali
liquor from a Santro car.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is innocent and has been
roped in the present case on the basis of confessional statement
of co-accused Sanni Kumar which has no evidentiary value in



the eye of law. He has no concern either with the seized liquor or trade of liquor in any manner. The car from which alleged liquor was recovered does not belong to the petitioner. The petitioner has clean antecedent.

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

6. Considering the nature of allegation against the petitioner and the fact that name of the petitioner has surfaced in the case on the basis of confessional statement of co-accused which has no evidentiary value in the eye of law and the petitioner has clean antecedent, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-I,



Sitamarhi in connection with Sonbarsa P.S. Case No. 110 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is 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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