

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47118 of 2024

Arising Out of PS. Case No.-162 Year-2024 Thana- PHULWARIYA District- Gopalganj

Rakesh Kumar @ Mangru Yadav, Male, Aged About-21 Years, Son of
Rambelash Yadav @ Belash Yadav; R/o- Mardwani, P.S- Phulwariya,
District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-08-2024 Heard Mr. Deepankar Raj, learned counsel appearing
on behalf of the petitioner and Mr. Yogendra Kumar Singh,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Phulwariya P.S. Case No. 162 of 2024, registered for the
offence punishable under Sections 30(a) of the Bihar Prohibition
and Excise Act as amended up-to-date.

3. Allegation is of recovery of 19.200 litres of
country-made liquor from the bag of co-accused, namely, Arjun
Ram.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Petitioner has no concern



with the seized liquor nor he is involved in trade of liquor in any manner. Name of the petitioner has transpired on the basis of confessional statement made by co-accused, namely, Arjun Ram, who was apprehended on the spot and from whose possession, a bag containing 19.200 litres of country made illicit liquor was recovered. Petitioner has two criminal antecedent relating to Excise Act. 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 recurring criminal act of the petitioner, I am not inclined to enlarge the petitioner on pre-arrest bail. However, the petitioner, if so advised, may surrender before the learned District Court and file regular bail application and the learned District Court is directed to dispose of the regular bail application of the petitioner same day, in accordance



with law.

7. Accordingly, the present bail application is disposed of.

(Purnendu Singh, J)

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