

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47402 of 2024**

Arising Out of PS. Case No.-140 Year-2024 Thana- TILAUTHU District- Rohtas

Bihari Rajwar @ Bihari Rajwanshi Son of Kedar Rajwanshi R/O Vill.- Saina,
P.S.- Tilauthu, Dist.- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-08-2024 As prayed for, learned counsel appearing on behalf of the petitioner is permitted to make necessary addition/correction in paragraph no.1 and prayer portion of the bail application in course of the day.

2. Heard Mr. Sanjay Kumar Tiwary, learned counsel appearing on behalf of the petitioner and Mr. Mritunjay Kumar Nirala, learned APP for the State.

3. The petitioner seeks pre-arrest bail in connection with Tilauthu P.S. Case No. 140 of 2024 registered for the offence(s) punishable under Section 30(a) of the Bihar Prohibition and Excise Act

4. As per the allegation made in the FIR, 10 litres of illicit liquor was recovered from a plastic sack allegedly thrown by the accused persons including the petitioner.



5. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case only on the basis of suspicion. Learned counsel further submitted that alleged recovery of the alleged liquor has been made from roadside, which is accessible by anyone. Petitioner has clean antecedent.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

7. Considering the nature of allegation and also the fact that recovery of the alleged liquor has been made from roadside, which is easily accessible to anyone, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

8. 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.2-cum- A.D.J., Rohtas at Sasaram in connection with Tilauthu P.S. Case No. 140 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



9. The learned District Court 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 paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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