

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51304 of 2024

Arising Out of PS. Case No.-335 Year-2015 Thana- KOTWALI District- Patna

Sunil Kumar Son Of Biltu Mahto Village- Parihar @ Sirsiya Bazar Ward No. 07, P.S.- Bela, Dist.- Sitamarhi. At Present R/O Village A Shop Surrounded By Bamboo Poles In The Milk Market, P.S.- Kotwali, Dist. -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 21-08-2024 Heard Mr. Santosh Kumar, learned counsel appearing on behalf of the petitioner and Mr. Tapeswar Sharma, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Kotwali P.S. Case No. 335 of 2015 registered for the offence punishable under Section 290 of the Indian Penal Code and Section 47(A) of the Excise Act.

3. The allegation is of recovery of 204.785 liters of foreign wine from a shop.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He has no concern either with the seized wine or trade of liquor in any manner. On these



grounds, petitioner seeks to be released on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and submitted that the petitioner has three criminal antecedents.

6. Considering the nature of allegation made against the petitioner, as well as, the antecedent of the petitioner, I am not inclined to enlarge the petitioner on pre-arrest bail, however, in case the petitioner appears before the learned District Court and seeks regular bail, the learned District Court is directed to pass an order on merits in respect of prayer of bail of the petitioner, on the same day.

7. Accordingly, the present pre-arrest bail application stands disposed of.

(Purnendu Singh, J.)

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