

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55814 of 2024

Arising Out of PS. Case No.-167 Year-2024 Thana- RAJAOLI District- Nawada

Dipu Rajbanshi, aged about 30 years (Male), S/o Kedar Rajbanshi, Resident
Of Village- Jobkala, P.S- Rajauli, District Nawada

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-08-2024 Heard Mr. Sheo Kumar Prasad, learned counsel

appearing on behalf of the petitioner and Mr. Humayou Ahmad

Khan, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Rajauli P.S. Case No. 167 of 2024 registered for the
offence punishable under Section 30 (a) of the Bihar Prohibition
and Excise Act as amended up-to-date.

3. As per the allegation made in the FIR, altogether 36
litres of country-made liquor along with 2000 litres of raw
ingredients for use of manufacturing of illicit liquor, was
recovered from a bush near Jobkala village forest area.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner has been falsely implicated
in the case due to local village politics. Petitioner has no



concern with the seized liquor nor he is involved in trade or manufacturing of illicit liquor in any manner. The place of recovery is an open place which is easily accessible to anyone. Petitioner has one criminal antecedent. 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 allegation made in the FIR, as well as, the fact that 36 litres of country made liquor was recovered from a bush, which is an open place and easily accessible to any one, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court Excise-2,



Nawada, in connection with Rajauli P.S. Case No. 167 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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