

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59367 of 2024

Arising Out of PS. Case No.-577 Year-2024 Thana- Excise P.S. District- Aurangabad

Sanjeet Kumar @ Sanjeet Kumar Sharma, Gender - Male, aged about 25 years, son of Jitendra Sharma @ Govind Sharma, resident of Village- Badhua P.S.- Amba District- Aurangabad (Bihar), PIN- 824111

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-09-2024 Heard Mr. Pramendra Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Md. Nazir Ansari, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Excise Sadar Aurangabad P.S. Case No. 577 of 2024 registered for the offence punishable under Section 30 (a), 32(3), 41(1) and 41(2) of the Bihar Prohibition and Excise Act as amended up-to-date.

3. Allegation is of recovery of 150.48 litres of country-made illicit liquor from a black colour Piaggio Ape three wheeler.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated



in the present case due to local village politics. Petitioner has no concern either with the alleged seized liquor or with the alleged seized three wheeler, from which, 150.48 litres of illicit country-made liquor was recovered, nor the petitioner is involved in trade of liquor in any manner. He further submits that the name of the petitioner has transpired on the basis of confessional statement made by co-accused Kundan Kumar, who was arrested on the spot and the confessional statement made in police custody has no evidentiary value in the eye of law. The petitioner is also not connected in any manner, with the co-accused person, who has been arrested on the spot. 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 nature of allegation made in the FIR against the petitioner, 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 Court of Special Judge Excise, Court No. - 02, Aurangabad, in connection with Excise Sadar Aurangabad P.S. Case No. 577 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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