

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59470 of 2024

Arising Out of PS. Case No.-360 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Kundan Kumar, Age- 23 Yrs, Male, S/o Manoj Yadav, R/o Harinagar, P.S.-
Ciraiya, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-09-2024 Heard Mr. Sanjeev Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Binod Kumar,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Saharsa P.S. Case No. 360 of 2024 registered for the
offence punishable under Section 30 (a) of the Bihar Prohibition
and Excise Act as amended up-to-date.

3. Allegation is of recovery of 28.440 litres of Indian
Made Foreign Liquor of different brands from the lodge of one
Amit Yadav.

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 Amit



Yadav, from whose lodge, the alleged illicit liquor was recovered, nor he is involved in trade of illicit liquor in any manner. Petitioner has clean 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 fact that the recovery of 28.440 litres of Indian Made Foreign Liquor of different brands, was recovered from the lodge of one Amit Yadav and the petitioner has clean antecedent, 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 Exclusive Special Judge (Excise), Saharsa, in connection with Saharsa P.S.



Case No. 360 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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