

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81806 of 2024

Arising Out of PS. Case No.-359 Year-2024 Thana- SHAHPUR PATORI District- Samastipur

Avinash Chaudhary @ Avinash Kumar Son of Suresh Chaudhary Village-
Chaksaho ward 06, P.S.- Sahapur Patori, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mili Kumari, Adv.

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-12-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Patori P.S. Case No. 359 of 2024, registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. The police on a secret information intercepted a tempo. However, on noticing the police party one of the person, who were seated in the tempo, succeeded in fleeing away and the another person got apprehended. On search, total 105 liters of illicit liquor was recovered. The apprehended person disclosed the name of the petitioner.

4. Learned Advocate for the petitioner contended that save and except the disclosure made by the apprehended person,



there is no material suggesting the complicity of the petitioner in the present crime. The petitioner has neither any concern with the tempo, in question, nor with the illicit recovered wine. It is further contended that there are other infirmities in the search and seizure, coupled with the fact that the petitioner is a man of fair antecedent and he undertakes before this Court that he will fully co-operate in the investigation and in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the disclosure made by the apprehended person, there is no material. Moreover, neither the alleged illicit wine has been recovered from the conscious or constructive possession of the petitioner and, as such, the bar provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2022 is not applicable in the present case, coupled with the fair antecedent of the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/-



(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-02, Samastipur in connection with Patori P.S. Case No. 359 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

shivank/-

U		T	
---	--	---	--

