

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79947 of 2024

Arising Out of PS. Case No.-229 Year-2024 Thana- BELDOUR District- Khagaria

Md. Irshad, Son of Md. Anshul, Resident of village - Kumhraili, P.S.-
Beldaur, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-12-2024 Heard Mr. Ranjeet Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Arvind Kumar
Pandey, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Beldaur P.S. Case No. 229 of 2024 registered under
Section 30(a) of Bihar Prohibition and Excise Amendment Act
2022.

3. Allegation is of recovery of 15 litres country made
wine from the house of the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submits that petitioner is innocent and he has falsely
been implicated in the present case. Learned counsel further
submitted that nothing has been recovered from the conscious
possession of the petitioner. It has been further submitted that



name of the petitioner has been disclosed by the co-villagers. Petitioner has no concern with the alleged seized 15 litres of country made liquor. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR against the petitioner, as well as, the fact that petitioner has no concern with the alleged seized 15 litres of country made liquor. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Special Excise Judge- IInd, Khagaria in



connection with Beldaur P.S. Case No. 229 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. 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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