

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81876 of 2024

Arising Out of PS. Case No.-336 Year-2022 Thana- KHUSRUPUR District- Patna

Deepu Rai @ Dipu Kumar, S/O Baleshwar Rai, R/o vill - Kurtha Fulwariya,
P.S-Khushrupur, Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-12-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Khusrupur P.S. Case No. 336 of 2022, registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act.

3. The allegation against the petitioner is of
involvement in trade of illicit wine. The police on a secret
information conducted raid. However, noticing the police party,
two persons succeeded in fleeing away, but a woman was
apprehended by police. The apprehended person disclosed the
name of the petitioner and one another person. On search, total
50 liters Mahua liquor was recovered from the under



constructed house of one Mahesh Rai.

4. Learned Advocate appearing on behalf of the petitioner contended that save and except disclosure, there is no materials suggesting the complicity of the petitioner in the crime. The alleged recovery has been made from an under constructed house of Mahesh Rai, with whom the petitioner has no concern. It is further contended that only on account of the fact that the petitioner is having three criminal antecedents, his name is implicated in this case on mere suspicion. The seizure list witnesses are none else but the police personnel, apart from the other infirmities in the search and seizure.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that three criminal antecedents of the petitioner in identical nature of crime clearly suggest his involvement in the crime in question.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from an under constructed house of one Mahesh Rai apart from other infirmities in the search and seizure; moreover there is no recovery from the conscious and constructed possession of the petitioner and, as such, the bar provided under Section 76(2) of the Bihar Prohibition and



Excise Act is not attracted, let the petitioner above named be released on bail, in the event of his arrest or surrender after verification of the criminal antecedent of the petitioner disclosed in paragraph no. 3, 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 Exclusive Special Court of Excise, Patna in connection with Khusrupur P.S. Case No. 336 of 2022, 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)

supratim/-

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

