

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1263 of 2024

Arising Out of PS. Case No.-477 Year-2023 Thana- BARUN District- Aurangabad

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Ram Sundar Yadav @ Ram Sundar Singh, age 83 years, male, S/O Dwarik
Yadav, R/O Village- Govindpur, Siris, P.S- Barun, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 24-01-2024 Heard Ms. Mukul Kumari, learned counsel
appearing on behalf of the petitioner and Mr. Sanjay Kumar,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Barun P.S. Case No. 477 of 2023, G.R. No. 1188 of 2023
registered for the offence punishable under Sections 30(c) of the
Bihar Prohibition and Excise Act as amended up-to-date.

3. As per the allegation made in the FIR, altogether
481 pieces of empty bottle of liquor, 1800 empty packets of blue
line Desi Masala company and several stickers of different
brand of liquor were recovered from the joint house of the



petitioner and two cars bearing Registration No. JH01EM 7940 and AR20A 1341 were also seized.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Petitioner has no concern either with the seized empty bottle of liquor or with the seized car, which were standing outside of his house. Name of the petitioner was surfaced on the basis of confessional statement of one co-accused, namely, Pappu Kumar, in police custody, which has no evidentiary value in the eye of law. Other accused person namely, Subodh Kumar has been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 10.01.2024 passed in Cr. Miscellaneous No. 80591 of 2023 and Manish Kumar has been granted pre-arrest bail vide order dated 11.01.2024 passed in Cr. Miscellaneous No. 80937 of 2023. 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, as well as, the fact that Petitioner has no concern either with the seized empty bottle of liquor or with the seized car,



which were standing outside of his house. Name of the petitioner was surfaced on the basis of confessional statement of one co-accused, namely, Pappu Kumar, in police custody, which has no evidentiary value in the eye of law. Other accused person namely, Subodh Kumar has been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 10.01.2024 passed in Cr. Miscellaneous No. 80591 of 2023 and Manish Kumar has been granted pre-arrest bail vide order dated 11.01.2024 passed in Cr. Miscellaneous No. 80937 of 2023. 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 petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below 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 Special Judge (Excise), Aurangabad, in connection with Barun P.S. Case No. 477 of 2023, G.R. No. 1188 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below 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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