

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1894 of 2024

Arising Out of PS. Case No.-217 Year-2023 Thana- RAMGARHWA District- East
Champaran

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1. Radha Kishun Sah @ Radha Kishun Prasad Son Of Late Raja Sah Village-
Bhedikari, P.S.- Ramgrwa, Dist.- East Champaran
 2. Dinesh Prasad Son Of Suresh Prasad Village- Bhedikari, P.S.- Ramgrwa,
Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Mishra

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 07-03-2024 Heard learned counsel for the petitioners and the
State.

2. Petitioners apprehend arrest in a case registered for
the offence punishable under Sections 30a/41 of the Bihar
Prohibition and Excise Act.

3. As per the prosecution case, 4 liters illicit liquor
was recovered from the house of the petitioner no.1.

4. Learned counsel appearing for the petitioners
submits that the petitioners are innocent and have falsely been
implicated in this case on suspicion. No incriminating material
has been recovered from the conscious possession of the
petitioner and he is no way connected with the aforesaid
recovery. Petitioners have got no criminal antecedent.

5. Learned counsel for the State submits that the
recovery has been made from the house of the petitioner no.1, as
such, this pre-arrest bail petition is not maintainable in view of



Full Bench decision of this Court rendered in the case of **Ram Vinay Yadav vs. The State of Bihar** reported in **2019(2) P.L.J.R. 1089 (F.B.)**.

6. Considering the aforesaid decision of this Court, this pre-arrest bail petition of petitioner no.1 is dismissed as not maintainable.

7. Prayer for bail of the petitioner no.2 is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner no.2, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Court no. 2, Motihari, East Champaran in Ramgarwa Police Station Case No. 217 of 2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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