

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1158 of 2024

Arising Out of PS. Case No.-538 Year-2023 Thana- MANER District- Patna

Vishal Chaudhary @ Vishal Kumar, aged about 49 years, Gender-Male, Son of Surendra Chaudhary, Resident of Village- Pasi Tola, P.S. Maner, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-01-2024 Heard Mr. Binay Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Sanjay Kumar Sharma, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Maner P.S. Case No. 538 of 2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act as amended up-to-date.

3. Allegation is of recovery of 5.595 litres of Indian made foreign liquor, which was kept in front of the house of the petitioner.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in the case due to local village politics. Nothing was recovered



from the conscious possession of the petitioner. He has no concern either with the seized liquor or trade of liquor in any manner. The place of recovery is an open place which is accessible to anyone. The petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and submits that due to sale and consumption of illicit liquor, day after day, hooch tragedy occurs and the State Officials of different department appears to have facilitated smuggling and trade of illicit liquor inside the State of Bihar. As such, involvement of the petitioner cannot be ruled out from illicit trade of liquor.

6. Considering the fact that the recovery of 5.595 litres of Indian made foreign liquor is from an open place which is accessible to any one and the petitioner has clean antecedent, 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. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Danapur, Patna, in connection with Maner



P.S. Case No. 538 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

(Purnendu Singh, J)

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