

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.943 of 2024**

Arising Out of PS. Case No.-203 Year-2022 Thana- Excise P.S. District- Samastipur

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Raj Kumar @ Raju SON OF MAHESH PODDAR RESIDENT OF  
VILLAGE- LOHSARI RAHUA (WEST ), PS- WARISNAGAR, DISTT-  
SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ajay Singh, Advocate.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP.

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      24-01-2024                      Heard Mr. Ajay Singh, learned counsel appearing on  
behalf of the petitioner and Mr. Nitya Nand Tiwary, learned APP  
for the State.

2. The petitioner seeks pre-arrest bail in connection  
with Excise P.S. Case No. 203 of 2022 registered for the offence  
punishable under Section 30(a) of the Bihar Prohibition and  
Excise Act, 2016.

3. The allegation is of recovery of 10.5 litres of Mc.  
Dowell Whiskey from the P.D.S. godown of the petitioner.

4. Learned counsel appearing on behalf of the  
petitioner submits that the petitioner is innocent and he has been  
falsely implicated in the case due to enmity. He has no concern  
either with the seized liquor or trade of liquor in any manner.



Nothing has been recovered from conscious possession of the petitioner rather the recovery has been shown from the PDS godown of the petitioner due to enmity. Petitioner has clean antecedent.

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 Officers 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 nature of allegation against the petitioner, the petitioner 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)-II, Samastipur in connection with Excise P.S. Case No. 203 of 2022, 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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