

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1704 of 2024

Arising Out of PS. Case No.-370 Year-2023 Thana- NADI P.S. District- Patna

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1. RAHUL KUMAR @ RAHUL YADAV S/O- RAMBABU YADAV R/O- VILL.- MAUJIPUR KAMAL TOLA, PS.- NADI, DIST.- PATNA
 2. ANIKET @ MANTU KUMAR s/o- SANJEET YADAV R/O- VILL.- AALAMPUR, PS- NADI, DIST.- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, App

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-01-2024 Heard Mr. Jay Ram Prasad, learned counsel

appearing on behalf of the petitioner and Mr. Gauri Shankar

Gupta, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Nadi P.S. Case No. 370 of 2023 dated 31.10.2023
registered for the offence(s) punishable under Section 30(a) of
the Bihar Prohibition and Excise Act

3. As per the allegation made in the FIR, 37 litres of
country made liquor was recovered from a hut of one Mahendra
Yadav.

4. Learned counsel appearing on behalf of the
petitioners submitted that petitioners are innocent and have been



falsely implicated in this case. It is further submitted that petitioners have no concern with the seized liquor or with the hut in question, from where the liquor was recovered. Petitioners have clean antecedent. Petitioners undertakes that they will not involve in criminal activities in future and to that effect, they are ready to file their personal affidavit along with two respectable persons of the village where they reside.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the facts and circumstances of the case, and also the fact that petitioners are also ready to give their undertaking that they will not involve in criminal activities in future by filing affidavit along with two respectable persons of the village where they reside, I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise,



Patna City in connection with Nadi P.S. Case No. 370 of 2023, subject to the conditions 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 petitioners and if it is found that the petitioners are involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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