

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2878 of 2025

Arising Out of PS. Case No.-417 Year-2024 Thana- PAROO District- Muzaffarpur

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Raja Kumar @ Rajesh Kumar, Son of Nageshwar Shah, Resident of Village-
Paroo Chowk, P.s.- Paroo (Paru), Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangiv Kumar, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-02-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Paroo (Paru) P.S. Case No. 417 of 2024, registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition & Excise Act.

3. The allegation against the petitioner is of involved
in trade of illicit wine. The police on a secret information
conducted raid and recovered 2.700 litres of illicit Indian made
foreign liquor from a car, which was parked in front of the
house of the petitioner.

4. Learned Advocate appearing on behalf of the
petitioner contended that save and except the suspicion of



involvement of the petitioner in the trade of illicit wine, there is no material available on record, suggesting the complicity of the petitioner in crime. Moreover, the car in question from where the recovery has been made does not belong to him and only on account of the fact that the car was parked in front of the house of the petitioner, the name of the petitioner has been implicated on suspicion. The seizure list witnesses are none else, but the chowkidar and, as such, it is the contention of the petitioner that provisions under Section 103(4) of B.N.S.S. 2023 is not been complied with. The petitioner bears fair antecedent and he undertakes before this Court that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a car which was parked nearby the house of the petitioner, which does not belong to the petitioner and, as such, the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 does not attract, coupled with the fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the



court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Spl. Judge Excise, Court No. II, Muzaffarpur in connection with Paroo (Paru) P.S. Case No. 417 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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