

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4231 of 2025

Arising Out of PS. Case No.-220 Year-2024 Thana- DEWARIA District- Muzaffarpur

1. Divesh Kumar S/o Suresh Ray R/o vill - Bangra Muja @ Bangara Muja, P.s.- Deoria, Distt.- Muzaffarpur
2. Pankaj Kumar S/o Santlal Ray R/o vill - Bangra Muja @ Bangara Muja, P.s.- Deoria, Distt.- Muzaffarpur
3. Abhishek Kumar S/o Late Shambhu Ray R/o vill - Budhanpur, P.S.- Deoria, Distt. - Muzaffarpur
4. Nishant Kumar @ Nisant Kumar S/o Santlal Ray R/o vill - Chainpura, P.s. - Deoria, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-02-2025 Heard Mr. Arvind Kumar, learned counsel appearing on behalf of the petitioner and Mr. Ashok Kumar Singh, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Deoriya P.S. Case No. 220/24 registered for the offence(s) punishable under Sections 274/275/3(5) of B.N.S and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, 108.864 litres of foreign liquor was recovered from a Scorpio vehicle and 1536.84 litres of foreign liquor was recovered from open



space beside a *Math*.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated because cases under the Bihar Prohibition and Excise Act are pending against all the petitioners except petitioner no.1, however, in which they are on bail.

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

6. Having considered the rival submissions made on behalf of the parties, as well as, the complicity of the petitioner no.1 and 2 in the alleged offence, I am of the opinion that petitioners no.1 and 2 have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners no. 1 and 2, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Spl. Judge, Excise Court No.-II, Muzaffarpur in connection with Deoriya P.S. Case No. 220/24, subject to the conditions as laid



down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner nos.1 and 2 and if it is found that the petitioner nos.1 and 2 is 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 with respect to them.

9. So far petitioners no.3 and 4 are concerned, both have faced two cases of similar nature each and as such, in view of criminal antecedents against them, **I am not inclined to grant pre-arrest bail to the petitioners no.3 and 4.**

10. The bail application is, accordingly, disposed of.

(Purnendu Singh, J)

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