

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7586 of 2025

Arising Out of PS. Case No.-397 Year-2024 Thana- NAGAR District- Vaishali

Ilum Kumar @ Kundan Kumar Son of Devendar Singh, Resident of village-
Tangaul, PS- Hajipur Town, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-03-2025 Heard Mr. Manish Chandra Gandhi, learned counsel
appearing on behalf of the petitioner and Mr. Dr. Kumar Uday
Pratap, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Hajipur Town P.S. Case No. 397 of 2024 registered for the
offence(s) punishable under Sections 30(a) and 32 of the Bihar
Prohibition and Excise Act.

3. As per the allegation made in the FIR, 35.94 litres
of illicit liquor was recovered from a car.

4. Learned counsel appearing on behalf of the
petitioner informs that there is total failure of prohibition in the
State of Bihar and the petitioner, who is poor people, has been
implicated falsely in the present case. Recovery has been made
from an Alto car bearing Registration No.HR55Y-8209, Engine



No.K10BM7719550 and Chassis No.MA3EZDEIS00264845 and even getting information on the basis of registration number, chassis number and engine number of the said car, the petitioner's complicity in the alleged recovery of liquor cannot be established. Learned counsel admits that petitioner has committed offences under several provisions of Bihar Prohibition and Excise Act but it does not mean that the petitioner was involved in illicit sale or transportation of the illicit liquor.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail. He too accepts that there is total failure of prohibition in the State of Bihar and the State functionaries' role cannot be denied in facilitating the large scale liquor trade in the State of Bihar and in fact, parallel economy is allowed to run.

6. Having considered the rival submissions made on behalf of the parties, as well, as the nature of allegation levelled against the petitioners, who are having five criminal cases and in the present FIR, recovery is from a vehicle and petitioner has denied to be connected in any manner with the said vehicle which was parked near Tongoal Chowk in open space, which is accessible to anyone, I am of the opinion that petitioner has,



prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 397 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Sanjay/-

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