

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23284 of 2025

Arising Out of PS. Case No.-630 Year-2024 Thana- SAHEBGANJ District- Muzaffarpur

1. Birbal Rai @ Birbal Ray, aged about 40 years, Male, Son of Umesh Ray, Resident of Dharaphari, P.S. - Deoria, District - Muzaffarpur
2. Hajari Sahani @ Hajari Sahni, aged about 35 years, Male, Son of Lalan Sahani, Resident of Hussepur Nayatola, P.S. - Sahebganj, District - Muzaffarpur
3. Ravendra Rai @ Ravindra Rai, aged about 30 years, Son of Khedar Ray, Male, Resident of Hussepur Nayatola, P.S. - Sahebganj, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Matloob Rab, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-04-2025 Heard Mr. Alok Kumar Alok, learned counsel

appearing on behalf of the petitioners and Mr. Md. Matloob

Rab, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Sahebganj P.S. Case No. 630 of 2024, registered for the
offence punishable under Sections 30(a) and 30(d) of the Bihar
Prohibition and Excise Act as amended up-to-date.

3. As per the allegation made in the FIR, altogether
250 litres of country-made liquor along with 5000 litres of raw
ingredients for use of manufacturing of illicit liquor, was
recovered from the bank of a river.



4. Learned counsel appearing on behalf of the petitioners submits that the petitioners have been falsely implicated in the case due to local village politics. Name of the petitioners has been disclosed by the local *Chaukidaar*. Petitioners have no concern with the seized liquor nor they are involved in trade or manufacturing of illicit liquor in any manner. The place of recovery is an open place which is accessible to anyone. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners and submits that due to sale and consumption of illicit liquor, day after day, hooch tragedy occurs and the State Officials of different department appears to have facilitated smuggling and trade of illicit liquor inside the State of Bihar. As such, involvement of the petitioners cannot be ruled out from illicit trade of liquor.

6. Considering the fact that the recovery of altogether 250 litres of country-made liquor along with 5000 litres of raw ingredients for use of manufacturing of illicit liquor, was recovered from the bank of a river, which is an open place and easily accessible to any one. Name of the petitioners was



disclosed by the local *Chaukidaar*. 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 learned District Court 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 Exclusive Special Judge, Excise Court No. II, Muzaffarpur, in connection with Sahebganj P.S. Case No. 630 of 2024, subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

8. **The learned District Court is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

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