

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36870 of 2025

Arising Out of PS. Case No.-1391 Year-2023 Thana- Excise P.S. District- Kishanganj

Jitendra Babu, aged about 33 years, male, Son of Jagdish Narayan, Resident of Village- - Pakki Mahtauli, Khoaja Phool, P.S.- Amrahat, District- Kanpur, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-06-2025 Heard Mr. Ram Prawesh Kumar, learned counsel appearing on behalf of the petitioner and Mr. Mukesh Kumar Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Madhya Nisedh P.S. Case No. 1391 of 2023 giving rise to Special Case No. 1434 of 2023 registered for the offence(s) punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act as amended up-to-date.

3. As per the allegation made in the FIR, 3 litres of illicit liquor was recovered from a vehicle bearing Registration No. UP77AE 5842 belonging to the petitioner.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely



been implicated in the present case. He further submitted that petitioner has been made accused being the owner of the said vehicle. Admittedly, at the time of the alleged seizure and recovery of illicit liquor, petitioner was not present and the said vehicle was being driven by his brother namely, Devraj Singh and petitioner had no idea that he was carrying liquor on the said motorcycle. Petitioner has no concern with the seized liquor nor he is involved in trade of liquor in any manner. Petitioner has clean antecedent. On these grounds, petitioner seeks 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 petitioner 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 petitioner cannot be ruled out from illicit trade of liquor.

6. In the facts and circumstances of the case, 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. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise II, Kishanganj in connection with Madhya Nisedh P.S. Case No. 1391 of 2023 giving rise to Special Case No. 1434 of 2023, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner 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.

(Purnendu Singh, J)

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