

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89303 of 2024**

Arising Out of PS. Case No.-666 Year-2024 Thana- ARA NAGAR District- Bhojpur

Kunal Kumar @ Kunal Prasad, Son of MunnaMistry @ Munna Lal, Resident
of Village - Bind Toli, P.S.- Ara Nagar, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar Singh, Adv.
For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-01-2025 Heard the learned Advocate for the petitioner and the
Learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Ara Town P.S. Case No. 666 of 2024, registered for the
offences punishable under Section 30(a) of Excise Act.

3. The allegation against the petitioner is of indulge in
selling of the illicit wine. The police conducted raid, however,
noticing the police party, the petitioner succeeded in fleeing
away. Nearby the house of the petitioner, 10 litres of Mahwa
illicit wine containing in a polythene bag was recovered

4. Learned counsel appearing on behalf of the
petitioner contended that from the narrations made in the FIR, it is
evident that the alleged recovery has been made nearby the house
of the petitioner. In fact, on account of the alleged recovery

nearby the house of the petitioner, the name of the petitioner has been implicated in this case without there being any material suggesting the complicity of the petitioner in the crime. The *mala fide* on the part of the police personnel is writ large, as the witnesses are none else but the police personnel. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the investigation and the proceeding of the Court.

5. On the other hand, learned counsel 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 there is no recovery from the conscious and constructive possession of the petitioner, and, as such, the bar provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 is applicable, coupled with the fair antecedent and the recovery from an open place, 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 Special Judge Excise Court No.-I, Bhojpur, Ara in connection with Ara Town P.S. Case No.

666 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.)

Jyoti Kumari/-

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