

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1351 of 2025

Arising Out of PS. Case No.-359 Year-2024 Thana- EXCISE MADHUBAN District- East
Champanan

=====

Rakesh Ram S/o Yodhi Ram Resident of Vill - Siswa Kharar, P.S.- Kalyanpur,
Distt.- East Champanan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Adv

For the Opposite Party/s : Mr. Khurshid Anwar, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-02-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Excise (Madhuban) P.S. Case No. 359 of 2024, registered for the offences punishable under Sections 30(a), 37 and 45 of the Bihar Prohibition and Excise Act(amended up to date Act 2016).

3. The allegation against the petitioner is of indulge in trade of illicit wine. The police on confidential information raided the place of occurrence and found two persons were sitting in the field, keeping some polythene in the plastic bags. On noticing the police party, the persons tried to flee away, however, both of them were caught by the police. On search total 30 litres of country made wine was recovered. In the meantime, all the villagers assembled there and created a ruckus. The petitioner along with others are said to have



participated in releasing the two apprehended persons who were caught by the police.

4. Learned counsel appearing on behalf of the petitioner contended that there is omnibus nature of allegation against 10 to 12 persons, who were gathered and made the escape of the apprehended persons. There is no specific allegation of participation of the petitioner in the crime. Except an omnibus allegation, there is no other cogent material; but only on account of the fact that the petitioner was present at the place of occurrence alongwith other co-villagers, his name has been implicated in this case. It is further contended that there is one criminal antecedent of the petitioner, where he is on bail. It is submitted that similarly situated co-accused namely Jitendra Rai has already granted anticipatory bail from the learned Co-ordinate bench of this Court through Cr. Misc. No. 89231 of 2024 vide order dated 08.01.2025.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application submitted that the petitioner has actively participated in the crime and succeeded



in getting the apprehended persons escaped.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation, let the petitioner above named be released on bail, in the event of his arrest or surrender before the learned trial court 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 Excise Court No.-II, East Champaran, Motihari, in connection with Excise (Madhuban) P.S. Case No. 359 of 2024., subject to the conditions laid down in Section 438(2) Cr.P.C./Section 482(2) of the BNSS with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

U		T	
---	--	---	--

