

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89231 of 2024

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

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Jitendra Rai, S/O Late Awadhesh Rai, Resident of Vill. - Jamunapur, P.S-
Kalyanpur, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Adv.
For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-01-2025 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 polythine 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 good 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 along with other co-villagers, his name has been implicated in this case. It is further contended that there is one criminal antecedent of the petitioner, however, the same is of 2012 and it has been closed on the basis of compromise.

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, coupled with the undertaking before this Court that

he shall fully cooperate in the investigation and the proceeding of the Court, 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 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. 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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