

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6131 of 2021**

Arising Out of PS. Case No.-411 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

1. Kashi Kumar @ Prince Kumar, son of Devendra Paswan,
2. Lakhiya Devi, wife of Devendra Paswan
Both resident of Village - Patahi, P.S. - Sadar, District - Muzaffarpur.
... .. Petitioners
Versus
The State of Bihar
... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2021 Heard learned counsel for the petitioners and Md.
Fahimuddin, learned A.P.P. for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Muzaffarpur Sadar P.S. Case No. 411 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 392, 353 of the Indian Penal Code and Section 30(a), 41 of the Bihar Prohibition and Excise Act. Petitioner no. 1 has got one criminal antecedent and petitioner no. 2 has got no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, while the informant got confidential information that the accused persons are indulged in trade of liquor and have brought huge quantity of liquor, she along with other police personnel reached there and on seeing police party the accused persons started fleeing away but on chase two



persons were apprehended and disclosed their name as Raja Kumar and Suraj Kumar. The informant further alleged that the apprehended accused disclosed the name of other persons including these petitioners. It is alleged that on search of the dickky of the car total 34.560 liters of foreign liquor were recovered, but in the meantime, the family members of the apprehended accused attacked on the police party with lathi and the apprehended accused fled away.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that name of these petitioners have been allegedly disclosed by the apprehended accused, petitioners have not been identified on the spot.

Learned A.P.P. for the State has opposed the prayer for pre-arrest bail of the petitioners.

Having regard to the submissions that the name of these petitioners have been allegedly disclosed by the apprehended accused, petitioners have not been identified on the spot, the seizure list witnesses are constables who were in the police party and further there being specific statement in paragraph '8' that the petitioners have no concern with the foreign liquor or with the vehicle in question, on noticing further that the co-accused similarly situated have been granted privilege of anticipatory bail



by learned coordinate Bench of this court in Cr. Misc. No. 1757/2021 and Cr. Misc. No. 10100/2021, this Court directs that in the event of their arrest or surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Muzaffarpur Sadar P.S. Case No. 411 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

