

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28306 of 2023

Arising Out of PS. Case No.-364 Year-2022 Thana- NAVINAGAR District- Aurangabad

Deva Singh, Son of Nagdeo Singh, Resident of village -Jainagara, P.S.-
Navinagar, Dist- Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pramendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 07-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Navinagar P.S. Case No. 364 of 2022 registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 read with Section 25(1-b)a/26/35 of the Arms Act. He has got seven criminal antecedents.

As per the prosecution story, on 02.10.2022 while the informant Sub-Inspector Arbind Kumar along with other police personnel was on night patrolling duty, he was informed by the choukidar that at village Ranga Bigha some people are fighting. When the police reached the said place, two persons fled away on a motorcycle after throwing something on the ground which is said to be a desi katta and a live cartridge. One Santan Kumar



Yadav and Shahanawaz Alam who were present at the spot admitted that there is country-made liquor in the jute bag at the place of occurrence and they are indulged in sale and purchase of liquor. It is further alleged that 32.580 liter of country made liquor has been recovered from the place of occurrence.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the name of the petitioner has transpired in the statement of the apprehended accused and he has not been identified by any independent witness.

Learned APP for the State has opposed the anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the submission of learned counsel for the petitioner is that the petitioner has been falsely implicated in this case on the basis of statement of the apprehended accused, he has not been identified by any independent witness and the earlier cases against him are of petty nature in which he is on bail, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner shall be released on bail in connection with Navinagar P.S. Case No. 364 of 2022 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 Special Judge Excise Court No. 1, Aurangabad, 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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