

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40873 of 2023

Arising Out of PS. Case No.-95 Year-2023 Thana- MASHRAK District- Saran

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Bihari Singh, Son of Late Ramlakshan Singh, Resident of village - Semri
Nikumbh Tola, P.S. - Mashrakh, Distt. - Saran at Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner in the present case is seeking pre-arrest
bail in connection with Mashrakh P.S. Case No. 95 of 2023
registered for the offences under Sections 30(a), 32(1)(2)(3), 33,
38, 41(1)(2) of the Bihar Prohibition and Excise Act. He has one
criminal antecedent in which he is on bail.

3. As per the prosecution story, the informant who is
the S.I., Police got secret information regarding storage of illicit
liquor through Alto Car by Rohit Kumar Singh @ Babloo Singh,
his mother and other associates. The informant reached near the
house of said Rohit Kumar Singh where on seeing the police, 3-
4 persons standing near the Alto Car managed to escape. The
escaped persons were identified to be Rohit Kumar Singh @
Babloo Singh, Leelavati Devi, Bihari Singh (this petitioner) and



Satyendra Singh. The informant recovered 120 litres country made liquor from the Alto Car and 880 litres from the house of Rohit Kumar Singh @ Babloo Singh.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner has not been arrested from the spot and no incriminating material has been recovered from his conscious possession.

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

6. Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner has not been arrested from the spot and nothing has been recovered from his conscious possession, the FIR has been lodged by the S.I. of Police, the petitioner is said to be an accused in one case in which he is reported to be on bail, hence, 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 Mashrakh P.S. Case No. 95 of 2023 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 2nd Exclusive Special



Excise Court, Saran at Chapra, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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