

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45648 of 2023

Arising Out of PS. Case No.-910 Year-2021 Thana- SITAMARHI District- Sitamarhi

Aman Kumar, Son of Narayan Mahto, Resident of village - Bhasar Got, ward
no. 1, P.S. - Sitamarhi, District - Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vijay Kumar, Advocate

For the Opposite Party : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in this case is seeking pre-arrest bail in connection with Sitamarhi P.S. Case No. 910 of 2021 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. He has no criminal antecedent.

3. As per the prosecution story, when the informant was on day patrolling duty, he got a secret information that one Aman Kumar (this petitioner) and Manoj Kumar are hiding liquor behind the house of one Nagendra Ram. When the informant along with other police personnel reached at the said place, both the persons fled away taking benefit of bamboo-clumps present at the spot. When the informant searched the said place, 50 pieces of 300 ml bottle (total fifteen litre) Nepali

Sofi liquor was seized.

4. Learned counsel for the petitioner submits that the illicit liquor has been seized from a place behind house of one Nagendra Ram and this petitioner has been falsely implicated in this case only on the basis of a so-called secret information.

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

6. Having regard to the submission that the illicit liquor has been seized from a place behind house of one Nagendra Ram, this petitioner has been falsely implicated on the basis of so-called secret information and that the petitioner has otherwise no criminal antecedent, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named shall be released on bail in connection with Sitamarhi P.S. Case No. 910 of 2021 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 Exclusive Special Excise Court No.-II, Sitamarhi, 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 allowed.

(Rajeev Ranjan Prasad, J)

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