

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40888 of 2023**

Arising Out of PS. Case No.-189 Year-2023 Thana- CHIRAIYA District- East Champaran

1. Sanjay Rai, Son Of Ramakant Rai @ Ramakant Prasad @ Ramakant Yadav Resident Of Village - Katkuiya, P.S. - Chiraiya, District - East Champaran
2. Rameshwar Rai Son Of Late Rajaram Rai Resident Of Village - Katkuiya, P.S. - Chiraiya, District - East Champaran
3. Jiyalal Rai Son Of Late Prayag Rai Resident Of Village - Katkuiya, P.S. - Chiraiya, District - East Champaran

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Anuj Kumar, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

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

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

2. The petitioners in the present case are seeking pre-arrest bail in connection with Chiraiya P.S. Case No.- 189 of 2023 registered for the offences punishable under Section 272, 273 of the Indian Penal Code and under Section 30 (a) of the Bihar Prohibition & Excise Act. They have got no criminal antecedent.

3. Learned counsel for the petitioners submits that on a search being conducted, 70 litres of country made liquor was recovered from the filed of the accused petitioner-Rameshwar Rai.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case.

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

6. Having regard to the fact that the alleged recovery has been made from an open field and that these petitioners have otherwise no criminal antecedent, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named shall be enlarged on bail in connection with Chiraiya P.S. Case No.- 189 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 Exclusive Special Excise Court No. 1 East Champaran at Motihari, 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 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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