

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40865 of 2023

Arising Out of PS. Case No.-312 Year-2023 Thana- MALSALAMI District- Patna

Gola Ray @ Rakesh Kumar, S/O Sanjivan Ray @ Sajivan Ray, R/O Village-
Nuruddinganj, Ghat Kinnare, P.S. Malsalami, Distt. Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

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 Malsalami P.S. Case No. 312 of 2023
registered for the offences under Sections 30(a)/36 of the Bihar
Prohibition and Excise Act. He has no criminal antecedent.

3. As per the prosecution story, the informant during
patrolling noticed two persons who on seeing the police started
fleeing after throwing the bags from the head. One person was
apprehended on chase and one managed to escape. The
informant recovered 45 litre mahua liquor. The apprehended
person disclosed his name as Chandan Kumar and further
disclosed the name of Gola Rai (this petitioner) who managed to
escape.

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 name of the petitioner has transpired in the confessional statement of co-accused. It is also submitted that nothing has been recovered from the conscious possession of the petitioner.

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 recovery has not been made from conscious possession of the petitioner, the name of the petitioner transpired in the confessional statement of co-accused as the person who fled away and the petitioner has otherwise no criminal antecedent, 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 Malsalami P.S. Case No. 312 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 Special Judge, Excise, Patna City, 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)

lekhi/-

U		T	
---	--	---	--

