

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47443 of 2023

Arising Out of PS. Case No.-113 Year-2023 Thana- SIDHWALIYA District- Gopalganj

Rishi Kumar @ Rishi Prasad, Son of Ajay Prasad, Resident of Village -
Larauli @ Ladauli, P.S.- Sidhwaliya, District - Gopalganj.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Setu Prateek, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Sidhwalia P.S. Case No. 113 of 2023 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Amendment Act 2018. He has got one criminal antecedent as mentioned in paragraph '3' of the supplementary affidavit.

3. As per the prosecution story, on 04.04.2023 at about 22:00 O'clock, when the informant along with other police personnel were on patrolling duty, they got a secret information that one Chandrakeshwar Prasad is collecting illegal wine in Palani in front of his house at Village Ladauli. On this information, the informant with other police officials reached there and saw one four wheeler is standing near Palani



and some persons are unloading the cartons from the vehicle and are keeping in the palani. It is alleged that on seeing the police party, the accused persons started fleeing away but one person got apprehended who disclosed his name as Chandrakeshwar Prasad and he also disclosed the names of other accused persons who managed to escape. It is alleged that total 207.360 liters of foreign liquor was recovered from 24 cartons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is no recovery from the 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 submission that it was Chandrakeshwar Prasad who was allegedly collecting illicit liquor in Palani in front of his house, there is no recovery from the possession of the petitioner, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Sidhwalia P.S. Case No. 113 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 Additional Sessions Judge-II-cum-Special Judge, Excise Court No.-I, Gopalganj, 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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