

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41265 of 2023

Arising Out of PS. Case No.-39 Year-2023 Thana- BHAIKAVSHTHAN District- Madhubani

HARE KRISHNA SINGH @ HARE KISHAN SINGH Son of Dilip Singh
Resident of village - Tardih, P.S.- Sakatpur, District - Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, 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. The petitioner, in the present case, is seeking pre-arrest bail in connection with Bhairavsthan P.S. Case No. 39 of 2023 corresponding to G.R. No. 182/23 registered for the offences punishable under Sections 372/273 of the Indian Penal Code and Section 30(a)/41 of the Bihar Prohibition and Excise Act. He has no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant has alleged that while he along with other police personnel were on patrolling duty, he received secret information that one Scorpio vehicle is coming loaded with liquor, thereafter he started search near NH-57 and when he tried to stop the Scorpio, then the



driver tried to flee away from there but apprehended and disclosed his name as Pankaj Kumar and sitting person disclosed his name as Raman Kumar Singh. Total 255.750 liters English liquor and mobile were recovered from the vehicle. Raman Singh disclosed that the liquor was brought from Awadhesh Yadav and he was going to deliver to one Hare Krishan Singh.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that there is no illicit liquors were recovered from the possession of the petitioner. The name of the petitioner has transpired in the confessional statement of the co-accused Raman Singh.

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

6. Having regard to the submission that the name of the petitioner has transpired in the confessional statement of the co-accused Raman Singh before police, there is no recovery from his possession, the seizure list witnesses are the police personnel and that the petitioner has no criminal antecedent, this Court, therefore, directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner



above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur, in connection with with Bhairavsthan P.S. Case No. 39 of 2023 corresponding to G.R. No. 182/23, 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.

(Rajeev Ranjan Prasad, J)

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