

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40935 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- DARIHAT District- Rohtas

Santlal Yadav @ Bhuar Yadav Son of Hari Yadav, Resident of Village - Nand Tola, Hurka, P.S.- Darihat, District - Rohtas (Bihar).

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh, Advocate
For the Opposite Party/s : Ms.Meena Singh, 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 Darihat P.S. Case No.- 09 of 2023 registered for the offences punishable under Section 30(a) Bihar Excise & Prohibition Act.. He has got no criminal antecedent.

3. Learned counsel for the petitioner submits that the police recovered a huge amount of liquor i.e. 16.6 liters of illicit country-made liquor from the alleged spot. The police then registered a case against the petitioner. All the witnesses supported the case of the prosecution.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the nothing has been recovered 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 facts and circumstances of the case wherein the country-made liquor is said to have been recovered from an open field near Kali Mandir which is a public place and that the petitioner has 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 enlarged on bail in connection with Darihat P.S. Case No.- 09 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-cum-Additional District & Sessions Judge, Rohtas. Sasaram, 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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