

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41118 of 2023

Arising Out of PS. Case No.-148 Year-2023 Thana- KALYANPUR District- Samastipur

Baidhnath Ray Son Of Sri Gulab Ray Resident Of Village- Purnahi, Ward No.
2, Ps- Warisnagar, Distt- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Abbhishek Anand, Advocate

For the Opposite Party/s : Mr.Gulnar Begum, 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 Kalyanpur P.S. Case No.- 148 of 2023 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022. He has got four criminal antecedents.

3. Learned counsel for the petitioner submits that on 17.05.2023 the informant got secret information that one Dilip Ray son of Modi Ray had illegally stored foreign liquor in his house. When the informant along with the police team reached there, Dilip Ray and one other person tried to escape. The police caught Dilip Ray and when they asked the name of the other person, he stated his name to be Baidhnath Ray (petitioner).

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 petitioner has been made accused only because he was allegedly present in the house of the co-accused.

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

6. Having regard to the facts and circumstance of the case wherein it is the submission that the alleged recovery of liquor is from the house of one Dilip Ray, son of Modi Ray and the petitioner has been made accused only because he was allegedly present in the house of the co-accused, save and except the said allegation there is nothing against the petitioner to connect him in the present case, 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 Kalyanpur P.S. Case No.- 148 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 Court-01, Samastipur, 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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