

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41175 of 2023

Arising Out of PS. Case No.-202 Year-2023 Thana- VAISHALI District- Vaishali

Sunny Kumar @ Sunny Srivastava Son Of Akhilesh Prasad @ Akhilesh
Srivastava, R/o Village- Kushde, P.S. -Lalganj, Dist- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Pranav Kumar, Advocate Mr. Rajeev Ranjan, Advocate Mrs. Priyanka Kumari, Advocate
For the Opposite Party/s :	Mr. Fahimuddin, 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 Vaishali P.S. Case No. 202 of 2023 registered for the offences punishable under Sections 30(a), 41(i) of the Bihar Prohibition and Excise Act, 2018. He has got no criminal antecedent.

3. As per the prosecution story, the informant being the A.S.I. of Police while on patrolling duty got secret information on 18.05.2023 at about 3:00 A.M. that five FIR named accused persons (including the petitioner) have brought a consignment of liquor through a six wheeler truck and are waiting for customers by parking the vehicle on the road. The informant reached at the given place where on seeing the police



vehicle, 9-10 persons standing near the truck started fleeing and they managed to escape. The informant recovered altogether 630 liters of illicit liquor from the truck bearing no. BR01GD-9887.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no connection with the alleged liquor and the truck in question.

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

6. Having regard to the submission that the petitioner has no connection with the alleged liquor and the truck on which the illicit liquor has been recovered, he is neither the owner nor the driver of the said truck as per his statement in paragraph '10' of the application and further that he 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 be released on bail in connection with Vaishali P.S. Case No- 202 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. 2 cum – Addl. District & Sessions



Judge, Vaishali at Hajipur, 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)

SUSHMA2/-

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

