

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41138 of 2023

Arising Out of PS. Case No.-61 Year-2023 Thana- VISHAMBHARPUR District- Gopalganj

Sanjay Singh Son of Late Kishun Singh, Resident of village - Durg
Matihania, Kolharwa Tola, P.S.- Vishambarpur, District - Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. FFahimuddin, 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 Vishambharpur P.S. Case No.-61 of 2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018. He has got no criminal antecedent.

3. As per the prosecution story, on 15.04.2023, on seeing the informant and other police personnel, two accused persons namely Viru Yadav @ Yamuna Yadav and Sanjay Singh fled away, thereafter on search, total 160.200 liters of illicit liquor kept in sugarcane leaves was recovered and from tempo, total 51.120 liters of illicit liquor was recovered.

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 of illicit liquor from conscious 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 recovery of the alleged liquor is not from the conscious possession of the petitioner, the name of the petitioner is said to have transpired on secret information to the police and the petitioner has otherwise 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 Vishambarpur P.S. Case No. 61 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 District & Sessions judge-IV cum Exclusive Special Excise Court No. II, 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)

SUSHMA2/-

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

