

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41130 of 2023

Arising Out of PS. Case No.-459 Year-2023 Thana- TURKAULIYA District- East
Champaran

Chandrakishore Ray @ Chandrakishore Kumar Son of Jokhu Ray @ Birendra
Ray Resident of Village- Shankar Saraiya Ahir Tola, PS- Turkauliya, Distt-
East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, 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 Turkauliya P.S. Case No. 459 of 2023 registered for the offences punishable under Sections 272, 273, 308, 34 of the Indian Penal Code and Section 30(a), 41(i), 45 and 34 of the Bihar Prohibition and Excise Act, 2016. He has got no criminal antecedent.

3. Learned counsel for the petitioner submits that as per the prosecution story, on secret information, the informant along with other police officials searched the alleged place and recovered 8 liters of illicit liquor behind the house of co-accused Jagdish Mahto and Ramayodhya Mahto.

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 the house of the petitioner.

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

6. Having regard to the submission that there is no recovery of illicit liquor from the house of the petitioner, however, his name has transpired in the confessional statement of apprehended accused, the petitioner has otherwise no criminal antecedent, in the circumstances, 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 Turkauliya P.S. Case No. 459 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, Motihari, East Champaran, 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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