

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41137 of 2023

Arising Out of PS. Case No.-114 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

Sideshwar Kumar Son Of Shivnath Prasad Malakar, Resident Of Ram Janki
Chauraha, Diwan Mohalla Nawal Tola, P.S.- Khajekala, District- Patna
... .. Petitioner

Versus

The State of Bihar
... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Madan Kumar, 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 Mohaniya P.S Case No- 114 of 2023 registered for the offences punishable under Sections 414 of the Indian Penal Code and Sections 30(a) and 47 of the Bihar Prohibition and Excise Act, 2018. He has got no criminal antecedent.

3. As per the prosecution story, the informant along with other police officials during vehicle checking intercepted a van from which total 304 liters of illicit liquor was recovered and driver Abhishek Kumar and another person Randhir Kumar were apprehended.

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 was not present in the vehicle from which 304 liters of illicit liquor was recovered.



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 it is submitted that the petitioner was not present in the vehicle from which allegedly 304 liters of illicit liquor has been recovered 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 be released on bail in connection with Mohaniya P.S. Case No- 114 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 No. 1 cum ADJ - IV Kaimur at Bhabua., 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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