

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44218 of 2023

Arising Out of PS. Case No.-237 Year-2023 Thana- MADANPUR District- Aurangabad

RAMASHISH YADAV Son of Baban Yadav R/o Village - Uchauli Tola -
Bilaspur, P.S.- Madanpur, District - Aurangabad (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-08-2023 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 Madanpur P.S. Case No- 237 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition Excise (Amendment) Act, 2018. He has got no criminal antecedent.

3. Learned counsel for the petitioner submits that 5 litres of mahua liquor has been recovered from a place near the house of the petitioner. Thereafter, the said material was seized according to law and the seizure list was prepared in presence of two official witnesses on account of non-availability of the independent witnesses.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. It is submitted that nothing has been recovered from the alleged 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 submission that the illicit liquor has not been recovered from the conscious possession of the petitioner and the seizure list witnesses are the constables only, the petitioner has no criminal antecedent, hence, 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 Madanpur P.S. Case No- 237 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 No. I, Aurangabad (Bihar), 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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