

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43246 of 2023

Arising Out of PS. Case No.-128 Year-2023 Thana- BISFI District- Madhubani

Vikash Yadav @ Vikash Kumar Son of Mahesh Yadav, Resident Of Village-Simari, P.S.- Bisfi, District- Madhubani, Bihar

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vikas Kumar Jha, Advocate

For the Opposite Party/s : Ms. Asha Kumari, 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 Bisfi P.S. Case No. 128 of 2023 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018. He has got no criminal antecedent.

3. As per the prosecution story, on 17.04.2023 when the informant along with other police officials went for Diva patrolling, he was informed that this petitioner has concealed foreign liquor in mango garden in the village Simari of district-Madhubani. When the informant along with other policy officers reached there, he found English liquor of total quantity 64.125 litre in the garden of Vishwanat Jha, Son of Late



Suryakant Jha. When search was conducted in the house of this petitioner, he was not found at his home and the informant returned to the police station with seized liquor of 64.125 litre.

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 criminal antecedent. It is further submitted that recovery has not been made from the house of the petitioner. The alleged recovery of liquor has been made from the mango orchard which does not belong to the petitioner.

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

6. Having regard to the submission of learned counsel for the petitioner that the recovery of liquor is said to have been made from the orchard which does not belong to the petitioner 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 Bisfi P.S. Case No. 128 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 Sessions Judge-II-cum-



Special judge, Excise Act, Madhubani., 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 disposed of.

(Rajeev Ranjan Prasad, J)

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