

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44179 of 2023

Arising Out of PS. Case No.-87 Year-2021 Thana- DEV District- Aurangabad

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ROHIT KUMAR S/O NANHAK CHOUDHARY R/O Village- Bela Dih,
Cherki, P.S- Cherki, Distt.- Gaya (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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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 Deo P.S. Case No.87 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018. The petitioner has got no criminal antecedent.

3. As per the prosecution story, allegedly 57.900 ml country made wine have been recovered from the motorcycle of the petitioner.

4. Learned counsel for the petitioner submits that the name of the petitioner has transpired in the statement of the apprehended accused in police custody. Learned counsel submits that the petitioner is the owner of the motorcycle but



motorcycle was being driven by his brother-in-law at the relevant time.

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

6. Having regard to the submission that the name of the petitioner has transpired in the statement of the apprehended accused in police custody, the petitioner is the owner of the motorcycle but motorcycle was being driven by his brother-in-law at the relevant time, petitioner has otherwise no criminal antecedent, hence, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court-01, Aurangabad (Bihar) in connection with Deo P.S. Case No. 87 of 2021, 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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