

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44047 of 2023

Arising Out of PS. Case No.-361 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Santlal Prasad, S/O Ramanand Prasad, R/O Village- Madhubani Ghat, Ps.
Muffasil, Dist. East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rahul Singh, 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 Muffasil P.S. Case No.361 of 2023 registered for the offences punishable under Sections 30(a), 32 and 41(i) of the Bihar Prohibition and Excise Act, 2016. The petitioner has got no criminal antecedent.

3. As per the prosecution story, allegedly 57 liters 855 ml of illicit liquor have been recovered from the mango and banana orchard of one Shivnarayan Shah.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the recovery is not from the



house of the petitioner or from his conscious possession and he has no criminal antecedent.

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 recovery is not from the house of the petitioner or from his conscious possession and he has no criminal antecedent, 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 Exclusive Special Excise Court No.-1, East Champaran at Motihari in connection with Muffasil P.S. Case No. 361 of 2023, 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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