

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43568 of 2023

Arising Out of PS. Case No.-90 Year-2023 Thana- SANHAULA District- Bhagalpur

SARVAN KUMAR S/o- ARJUN PRASAD SINGH Village- Kotwali Po-
Harchandi Ps- Rajoun Dist- Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gaurav Prakash, Advocate
For the Opposite Party/s : Ms.Sangeeta Sharma, 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 Sanhaula P.S. Case No. 90 of 2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018. He has no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, while the informant and other police force were on patrolling duty on 24.05.2023 a motorcycle was coming at very high speed and on seeing police he tried to flee away but was apprehended with the motorcycle and disclosed his name as Ritesh Bhandari. On search of the motorcycle total three liters of illicit liquor were recovered.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned



counsel submits that the petitioner is the owner of the motorcycle which was used by the co-accused. There is no recovery from the conscious possession of this petitioner.

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 petitioner was not present when the motorcycle was seized from the possession of another person who had been given the said motorcycle for use by the petitioner, petitioner has otherwise no criminal antecedent, this Court, therefore, 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 of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Exclusive Excise Court No. II-cum-Additional Sessions Judge-XII, Bhagalpur in connection with Sanhuala P.S. Case No. 90 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.

(Rajeev Ranjan Prasad, J)

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