

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44511 of 2023

Arising Out of PS. Case No.-160 Year-2023 Thana- KUDHNI District- Muzaffarpur

Prakash Kumar Sharma Son Of Hari Charan Sharma Resident Of Village-
Keshopur, Ps- Kudhani, Distt- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, 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 Kudhani P.S. Case No. 160 of 2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act. He has two criminal antecedents as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant who is A.S.I. of Kudhani Police Station, has alleged that while he got secret information that Rajeev Kumar @ Om, Prakash Kumar Sharma (petitioner) and Nitesh Kumar had concealed illicit foreign liquor for sale, he along with other police force reached at the place of occurrence, on seeing the police three persons succeeded in fleeing away. Local chowkidar identified the persons who fled away. The informant further alleged that a



search was made in the house of Nitesh Kumar and from the toilet room total 7.56 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 recovery of illicit liquor has been made from the toilet of one co-accused Nitesh Kumar not from 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 recovery of illicit liquor is said to have been made from the toilet of one co-accused Nitesh Kumar and the seizure list witnesses are the two constables, there is no recovery from the possession of the petitioner, 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 Exclusive Special Judge, Excise Court No. II, Muzaffarpur, in connection with Kudhani P.S. Case No. 160 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)

Rajeev/-

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