

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47368 of 2023

Arising Out of PS. Case No.-270 Year-2022 Thana- SANGRAMPUR District- Munger

Bipin Kumar Son Of Devendra Sharma Resident Of Village- Maheshpur
Bhikhdi, PS- Sangrampur, Distt- Khagariya Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Ms. Deep Nishi, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-08-2023 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 Sangrampur P.S. Case No. 270 of 2022 registered for the offences punishable under Section 30(a)/32 of the Bihar Prohibition and Excise (Amendment) Act, 2018. He has got no criminal antecedent.

3. As per the prosecution story, the informant along with other police personnel while on patrolling duty saw a motorcycle loaded with one plastic bag and when the accused persons saw the police personnel they fled away leaving the vehicle and the plastic bag. It is alleged that on search, total 90 liters of illicit liquor was recovered from the plastic bag kept on the said motorcycle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is no recovery from the conscious possession of the petitioner.



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

6. Having regard to the submission that the alleged recovery of illicit liquor is from a motorcycle, seizure list witnesses are police constables 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 Sangrampur P.S. Case No. 270 of 2022 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 Exclusive Special Judge Excise-II, Munger, 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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