

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47556 of 2023

Arising Out of PS. Case No.-172 Year-2021 Thana- BAUNSI District- Banka

Aman Dev Son of Ashok Kumar Jayswal Resident of village - Dholbajja,
Naugachhia, P.S. - Dholbajja, Distt. - Bhagalpur (853204)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajnish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, 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 Bounsi P.S. Case No. 172 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018. He has got no criminal antecedent.

3. As per the prosecution story, on 09.08.2021 at about 10:15 P.M. when the informant along with other police personnel were on night patrolling, a secret information was received stating that two persons on two motorcycles are coming to Bounsi carrying liquor from Hansdiha. When search was conducted, two motorcycles coming from Hansdiha side tried to escape from the said place after seeing the police checking. They were caught by the police force who disclosed



their names as Ankit Kumar Gupta and Shubham Kumar Swarnakar. From their possession, ten bottles each of 750 ml foreign liquor from Ankit Kumar Gupta and Shubahm Kumar Swarnakar each were recovered. Both of them were arrested with the said amount of liquor, two mobile phones and two motorcycles.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has not been arrested with the said motorcycle though he is the owner of the motorcycle.

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

6. Having regard to the facts and circumstances of the case, the submission being that though the petitioner is the owner of the motorcycle but he was not with the said bike when police intercepted the riders of the bikes and allegedly seized liquor, this 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 Bounsi P.S. Case No. 172 of 2021 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 Additional District Judge-II, Banka, 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 disposed of accordingly.

(Rajeev Ranjan Prasad, J)

lekhi/-

U		T	
---	--	---	--

