

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47699 of 2023

Arising Out of PS. Case No.-109 Year-2023 Thana- SISWAN District- Siwan

Sushil Kumar Singh, Son Of Krishna Singh, Resident Of Village- Siwan
Purab Patti, P.S.- Siswan, Distt- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, 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 Siswan P.S. Case No.109 of 2023 registered for the offences punishable under Section 30(A) of the Bihar Prohibition and Excise Act, 2016. The petitioner has got no criminal antecedent.

3. As per the prosecution story, allegedly 12 liters of Mahua liquor were recovered in front of the under-constructed house of the petitioner.

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



petitioner has been brought in this case on merely suspicion and secret information.

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 alleged liquor was recovered hidden under sand and by the side of the road which is approachable by outsiders, there is no recovery from the conscious possession of the petitioner and the name of the petitioner has been brought in this case on the alleged suspicion and secret information and the petitioner has otherwise 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.II, Siwan in connection with Siswan P.S. Case No. 109 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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