

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47171 of 2023

Arising Out of PS. Case No.-99 Year-2023 Thana- ASHTHAWAN District- Nalanda

Sandeep Kumar @ Bose Son of Arun Prasad @ Arun Kumar, Resident of
village - Pesaure, P.S. - Rahui, Distt. - Nalanda

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Anish Chandra,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 Ashthawan P.S. Case No.- 99 of 2023 registered for the offences punishable under Sections 414/34 of the Indian Penal Code and under Sections 30(a), 38, 40 of Bihar Prohibition and Excise (Amendment) Act, 2018. He has got no criminal antecedent.

3. Learned counsel for the petitioner submits that on 13.04.2023 the police received an information that a bullet motorcycle was carrying illicit liquor. The said vehicle was intercepted and police recovered one bottle of wine in a bag.

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 is though owner of the



motorcycle but he was not in possession of the same at the time of the alleged recovery.

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

6. Having regard to the submission that the petitioner is though owner of the motorcycle but he was not in possession of the same when it was allegedly intercepted by police and he 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 shall be enlarged on bail in connection with Ashthawan P.S. Case No.- 99 of 2023 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 Sessions Judge-II, Cum Special Judge (Excise), Bihar Sharif, Nalanda, 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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