

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47896 of 2023

Arising Out of PS. Case No.-361 Year-2023 Thana- TAJPUR District- Samastipur

Mohan Kumar S/O Ram Narayan Singh R/O Village/ Mohalla- Chandauli, Ps.
Tajpur (Waini O.P.), Dist. Samastipur

... .. **Petitioner**

Versus

The State of Bihar

... .. **Opposite Party**

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar Singh, 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 Tajpur (Waini O.P.) P.S. Case No. 361 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Act. He has no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant has alleged that on secret information that one Scorpio vehicle was loaded with illicit liquor, he reached there and recovered total 77.76 liters of liquor packed in different size of bottle from the scorpio vehicle and from the apprehended



accused total 16.74 liters of illicit liquor were also recovered.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case because he was not present on the spot when the alleged occurrence took place.

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 illicit liquor has been recovered from the Scorpio vehicle which was standing near burning Ghat and the petitioner has no concern with the said vehicle, he has otherwise no criminal antecedent, hence, 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 of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. II, Samastipur in connection with Tajpur (Waini O.P.) P.S. Case No. 361 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)

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