

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47329 of 2023

Arising Out of PS. Case No.-739 Year-2022 Thana- DIGHA District- Patna

Jai Singh Rakhecha Son of Bridhi Chand Rakhecha, Resident Of Village-
Hanuman Nagar, West Of Pani Tanki, P.S-. Patrakar Nagar, District- Patna
... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar, Advocate
For the Opposite Party/s : Mr.Kanhaiya Kishor, 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 Digha P.S. Case No. 739 of 2022 and Spl Excise no.- 7404 of 2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act. He has got no criminal antecedent.

3. As per the prosecution story, the police recovered total 550 ml foreign liquor from a blue coloured Hyundai Varna vehicle bearing Registration No. BR-01FB-4531. The police caught one person and he disclosed his name as Shreyash Rakhecha. Thereafter, in the presence of witnesses the seizure list was prepared.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that nothing has been recovered 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 facts that the petitioner is not named in the FIR, there is no recovery from his conscious possession and he has 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 Digha P.S. Case No. 739 of 2022 and Spl Excise Case No. 7404 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 in the Court of learned Special Judge Excise Court, Patna, 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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