

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47711 of 2023

Arising Out of PS. Case No.-323 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Supaul

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Ajay Kumar, S/O Shri Shobhit Yadav, R/O Village- Ghogharariya, P.S- Nadi
Thana, Distt.- Supaul, State-Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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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 Supaul Excise P.S. Case No.323 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 79.5 liters of illicit liquor were recovered from the residential house of one Brahmdev Mehta.

4. Learned counsel for the petitioner submits that recovery of illicit liquor has been allegedly made from the residential house of one Brahmdev Mehta. Learned counsel



submits that the petitioner had neither taken the said house on rent at any point of time nor he was living in the said house with the co-accused Sushil Kumar Yadav. It is submitted that the petitioner has otherwise no criminal antecedent.

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 recovery of illicit liquor has been allegedly made from the residential house of one Brahmdev Mehta, the petitioner claims that he had neither taken the said house on rent at any point of time and that he was never living in the said house with the co-accused Sushil Kumar Yadav, he 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 Additional District & Sessions Judge-V-cum Special Judge (Excise), Supaul in connection with Supaul Excise P.S. Case No. 323 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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