

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68273 of 2023**

Arising Out of PS. Case No.-82 Year-2023 Thana- BALIGAON District- Vaishali

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1. Ranjit Rai S/O- Late Sukhri Rai R/O- Village- Basti Khoajpur, P.S.- Baligaon, Dist.- Vaishali.
  2. Ajay Rai S/O- Navin Rai R/O- Village- Basti Khoajpur, P.S.- Baligaon, Dist.- Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Ms. Mandira Sau, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      09-11-2023                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Baligaon P.S. Case No. 82 of 2023 registered for the offences punishable under Sections 272, 273, 414/34 of the Indian Penal Code and Section 30(a), 32(ii), 41(i) of the Bihar Prohibition and Excise Act. Petitioner no. 1 has got one criminal antecedent in which he is on bail whereas petitioner no. 2 has no criminal antecedent as stated in the supplementary affidavit.

3. As per the prosecution story, on 09.07.2023, the informant during vehicle checking, stopped a Bolero vehicle but the driver accelerated the vehicle which resulted the vehicle to



topple over. Thereafter, the driver and the passenger fled away leaving the Bolero Vehicle there. On search of the said vehicle, total 949 liters of illicit liquor was recovered.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the petitioners are neither driver nor owner of the vehicle in question from which illicit liquors have been recovered.

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

6. Having regard to the submission that the petitioners claim that they are neither the owner nor the driver of the vehicle in question from which illicit liquors have been recovered and further considering that petitioner no. 1 has got one criminal antecedent whereas petitioner no. 2 has no criminal antecedent and the criminal antecedent of petitioner no. 1 is not similar in nature, this Court directs that in case of their arrest or surrender within a period of six weeks from today, the petitioners above named be released on bail in connection with Baligaon P.S. Case No. 82 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned



Exclusive Special Excise Court No.1 -cum-Additional District Sessions Judge, Vaishali at Hajipur, 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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