

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60859 of 2023

Arising Out of PS. Case No.-255 Year-2023 Thana- BIKRAMGANJ District- Rohtas

Nippu Sah @ Nimpu Sah, Son of Gorakh Sah, R/o Mohalla - Guljarbag, Ward
no. 26, P.S. - Bikramganj, District - Rohtas

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Rajani Kant Singh, Advocate
For the Opposite Party	:	Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-10-2023 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 Bikramganj P.S. Case No. 255 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018. He has one criminal antecedent.

3. As per the prosecution story, when the informant along with other police personnel went for night patrolling, on 14.05.2023 at about 02:50 A.M. he got information to raid in Bikramganj area. At 03:10 A.M. when the informant with other police force reached at the house of Gorakh Sah, from his house, total 10.1 litre of foreign liquor and 200 ml. country made liquor was recovered.

4. Learned counsel for the petitioner submits that the



illicit liquor is said to have been recovered from the house of co-accused Gorakh Sah who has been arrested on the spot. It is further submitted that there is no material to show that the illicit liquor was in exclusive possession of this petitioner and the seizure list witnesses are the police personnel only.

5. Learned APP for the State has opposed the prayer for pre-arrest bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein it appears from the seizure list that the illicit liquor has been recovered from the house of co-accused Gorakh Sah who was arrested on the spot, there is no material to show that the illicit liquor was in exclusive possession of this petitioner and further that the seizure list witnesses are the police personnel, the petitioner has one criminal antecedent in which he is on bail, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be released on bail in connection with Bikramganj P.S. Case No. 255 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 Exclusive Special Excise Court No. 1, Rohtas at Sasaram, 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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