

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60741 of 2023

Arising Out of PS. Case No.-137 Year-2023 Thana- KATEYA District- Gopalganj

JUNAID ALAM son of Azaharuddin @ Azaruddin @ Bhola Village- Jaipur
PS- Kateya Dist- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Bhakta, Advocate

For the Opposite Party/s : Ms. Shaheen Begum, 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 Kateya P.S. Case No. 137 of 2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018. He has got one criminal antecedent.

3. As per the prosecution story, on 30.03.2023 informant and other police force while on patrolling duty intercepted a white coloured car from which three persons fled away and one person was apprehended. Upon search, 198 litres country made liquor was recovered from the said car.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. It is submitted that the petitioner has been made accused in the present case on the basis of confessional statement of apprehended accused in police custody and one similarly situated co-accused Chandan Pasi has been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 29653 of 2023.

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

6. Having regard to the facts and circumstances of the case wherein it is submitted that the name of the petitioner has transpired in the confessional statement of Ashraf Ali in police custody and the co-accused, namely, Chandan Pasi has been granted anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 29653 of 2023, 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 Kateya P.S. Case No. 137 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 Additional Sessions Judge-II-cum-Special Judge, Excise Court-I 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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