

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63534 of 2023

Arising Out of PS. Case No.-448 Year-2023 Thana- RAMKRISHNANAGAR District- Patna

Jitendra Kumar Son of Dukhharan Prasad R/o vill - Ashochak, P.S. - Ram
Krishna Nagar, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.B.N. Mishra, Adv

Mr.Avinash Raj, Adv

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-10-2023 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 Ram Krishna Nagar P.S. Case No. 448 of 2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016. He has got no criminal antecedent.

3. Learned counsel for the petitioner submits that the informant received information regarding storage of illicit liquor in the Khatal of the petitioner. The informant reached at the given place and apprehended one person and another manage to escape and the apprehend persons disclosed the name of the petitioner who manage to escape. On search the informant



recovered altogether 32.50 litre of illicit liquor and lodged the FIR.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that seizure list has not been signed by the independent witnesses and there is no recovery from the *Khatal* of the petitioner as is apparent from the seizure list.

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 appears from the FIR that the police received information that the illicit liquors have been stored in the *Khatal* of this petitioner, however, in the seizure list attached with the FIR it is not stated that the alleged recovery is from the *Khatal* of the petitioner, the seizure list witnesses are the members of the home-guard and this petitioner has no criminal antecedent, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named shall be released on bail in connection with Ram Krishna Nagar P.S. Case No. 448 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



Spl. Judge Excise, 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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