

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63498 of 2023

Arising Out of PS. Case No.-450 Year-2021 Thana- RIVILGANJ District- Saran

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1. RAM NIWAS RAI son of Shivpujan Ray Village- Nai Basti Ajaybanj Ps- Bhagwan Bazar Dist- Saran
 2. Mukhiya Rai @ Ramsan Rai son of Shivpujan Ray Village- Nai Basti Ajaybanj Ps- Bhagwan Bazar Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anjani Parashar, Advocate

For the Opposite Party/s : Ms.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-10-2023 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 Rivilganj P.S. Case No.450 of 2021 registered for the offences punishable under Sections 30(a) and 30(c) of the Bihar Prohibition and Excise Act, 2016. The petitioner no.1 has got one criminal antecedent in which he is said to be on bail, whereas petitioner no.2 has got no criminal antecedent.

3. As per the prosecution story, 160 liters of country made liquors were recovered from the bank of Saryug river.

4. Learned counsel for the petitioners submits that



alleged recovery has taken place from the bank of Saryug river and the said place is not in the conscious possession of the petitioners.

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

6. Having regard to the facts and circumstances of the case wherein it is submitted that the alleged recovery has taken place from the bank of Saryug river and the said place is not in the conscious possession of the petitioners, this Court directs that in case of their arrest/surrender within a period of six weeks from today, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Court, Saran in connection with Rivilganj P.S. Case No. 450 of 2021, 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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