

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62368 of 2023

Arising Out of PS. Case No.-255 Year-2023 Thana- Excise P.S. District- Madhepura

Sanjeev Kumar @ Golu Kumar S/O Raj Kishore Yadav, Resident of Village-
Gamaharia, Ward No. 7, P.S.- Gamaharia, Dist- Madhepura

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Md. Fahimuddin, 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 Madhepura Excise P.S. Case No-255 of 2023 registered for the offences punishable under Section 30 (a) of Bihar Prohibition & Excise Act. He has no criminal antecedent.

3. As per the prosecution story, on 27.03.2023 the informant along with other police officials reached at the place of occurrence and found a four wheeler vehicle bearing no. DL10CB5491 parked in the courtyard of co-accused Birendra Kumar and three persons including the driver were in the vehicle. On seeing the police party, all the accused persons tried to flee away but two persons got apprehended and they disclosed the name of third person who managed to escape as



Sanjeev Kumar (this petitioner). On search, total 189.75 liters of foreign liquor was recovered from the said vehicle.

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 is not the owner of the vehicle in question from which illicit liquor is said to have been recovered. It is also submitted that there is no recovery from the conscious possession of the petitioner.

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

6. Having regard to the submission made in paragraph '8' of the application that the petitioner is not the owner of the seized vehicle and the recovery of liquor is not from his conscious possession, further considering that the petitioner has otherwise 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 be released on bail in connection with Madhepura Excise 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 Additional District & Sessions Judge-VII-Cum-Special Judge Excise-II, Madhepura, 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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