

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62375 of 2023

Arising Out of PS. Case No.-308 Year-2023 Thana- DUMRA District- Sitamarhi

1. Rahul Kumar S/O Tapeswar Rai R/O Village- Bishnathpur, Ward No. 44, PS. Dumra, Dist. Sitamarhi
2. Mukesh Rai @ Mukesh Kumar S/O Shiv Sharan Rai R/O Village- Bishnathpur, Ward No. 44, PS. Dumra, Dist. Sitamarhi

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Narain Singh, Advocate
For the Opposite Party/s : Ms. Sucheta Yadav, 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 Dumra P.S. Case No. 308 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act. They have got one criminal antecedent each.

3. As per the prosecution story, on 27.06.2023, in course of patrolling, the informant tried to stop an auto in which three people were seated. On seeing the police, all the three accused persons, including the petitioners, fled away and upon search, 56.400 litres of nepali liquor was recovered from the



said auto.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the tempo from which the alleged illicit liquor has been recovered does not belong to the petitioners and they have been made an accused in this case at the instance of local *Chaukidar*.

5. Learned APP 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 on behalf of the petitioners that the recovery has been made from a tempo which does not belong to the petitioners, they were not in conscious possession of the alleged illicit liquor and further that they have got one criminal antecedent in which they are on bail, this Court directs that in case of their arrest or surrender within a period of six weeks from today, the petitioners above named be released on bail in connection with Dumra P.S. Case No. 308 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Sitamarhi 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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