

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62359 of 2023

Arising Out of PS. Case No.-43 Year-2023 Thana- NAYAGAON District- Begusarai

Prashant Kumar S/O Late Sanjay Kumar Singh, R/O Vill - Bihat, Khem
Karanpur, P.S. - Barauni (FCI O.P.), Distt. - Begusarai

... .. Petitioner

Versus

The State Of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, 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 Nayagaon P.S. Case No. 43 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Excise Prohibition Amendment Act. He has got no criminal antecedent.

3. As per the prosecution story, on 20th July, 2023 the informant got a secret information that Murari Singh and Prashant Kumar (petitioner) are storing illicit liquor at the house of Murari Singh. On this information, the informant along with other police officials reached at the house of Murari Singh and on seeing the police party, the accused persons tried to flee but got apprehended and disclosed their names as Murari Singh and Prashant Kumar. On search, total 35.175 liters of illicit liquor



was recovered from the house of Murari Singh.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is 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 facts and circumstances of the case wherein it appears that the alleged illicit liquor has been recovered from the house of co-accused Murari Singh, however the name of this petitioner has also been brought in the present case as an accomplice of said Murari Singh, the petitioner has otherwise no criminal antecedent, in these circumstances, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Nayagaon P.S. Case No. 43 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 Exclusive Special Excise Judge-Begusarai, 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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