

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62377 of 2023

Arising Out of PS. Case No.-628 Year-2023 Thana- SASARAM NAGAR District- Rohtas

1. Deepak Kumar Son of Late Rajendra Sonkar Resident of Village- Pratapganj, Sasaram, PS- Sasaram Town, Distt- Rohtas At Sasaram
2. Akash Kumar Son of Later Rajendra Sonkar Resident of Village- Pratapganj, Sasaram, PS- Sasaram Town, Distt- Rohtas At Sasaram

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, 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 Sasaram (Town) P.S. Case No. 628 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 They have got no criminal antecedent.

3. As per the prosecution story, the informant got secret information that these two petitioners are indulged in selling of liquor from their house. Accordingly, the police team reached at the said place for raid, on seeing police, two persons fled away and when the said house was searched, 9.240 litres



foreign liquor was recovered.

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 house from where the alleged liquor is said to have been recovered is a joint family property. No recovery has been made from the conscious possession of the petitioners.

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

6. Having regard to the submission that the alleged illicit liquor has been recovered from a house which is a joint family house and the seized articles were not in conscious possession of the petitioners, the petitioners have otherwise no criminal antecedent, in the circumstances, 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 Sasaram (Town) P.S. Case No. 628 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.2-cum-Additional District and Sessions Judge, Rohtas at Sasaram 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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