

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64705 of 2023

Arising Out of PS. Case No.-113 Year-2020 Thana- BAUNSI District- Banka

Sanjeev Soren @ Sanjiv Soren, Son Of Late Lengra Soren, Resident Of
Village- Sidhachatar, P.S.- Shikaripara, Distt- Dumka , Jharkhand

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2023 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 Bounsi P.S. Case No. 113 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act 2018 and Section 414 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, the informant while on patrolling duty at Bhagalpur-Dumka Road started checking vehicles, in the meantime one person coming from Jharkhand on seeing the police fled away leaving a motorcycle. Upon search of the motorcycle, 38.625 litres foreign liquor and 9.8 litres country made liquor was found.

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 was not caught with the alleged seized liquor. He has been implicated falsely in the present case only for the reason that the motorcycle in question is registered in his name but that also was stolen and for the same, he had already informed the police.

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

6. Having regard to the submission that the petitioner has not been identified with the illicit liquor and with regard to the motorcycle in question, the petitioner has informed the police about the theft of said motorcycle, the motorcycle has been seized on the roadside and the petitioner has been implicated in this case only because the motorcycle is registered in his name, he has otherwise no criminal antecedent, in the 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 Bounsi P.S. Case No. 113 of 2020 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 Sessions Judge-II, Banka, 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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