

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63551 of 2023

Arising Out of PS. Case No.-200 Year-2023 Thana- SILAO District- Nalanda

Patali Yadav Son Of Lalo Yadav Resdient Of Village- Govindpur, PS- Silao,
Distt- Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-10-2023 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 Silao P.S. Case No. 200 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act. He has got one criminal antecedent.

3. As per the prosecution story, the informant while on patrolling duty got secret information that in village Govindpur this petitioner is indulged in making illicit liquor. Accordingly, the police reached at the said place and on seeing police, a person fled away. Upon search, 40 liters illicit liquor along with other articles were recovered.

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 alleged recovery has been made from a place which is accessible to public and the petitioner has been made an accused in this case at the instance of local *Chowkidar*.

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

6. Having regard to the submission that the alleged illicit liquor has been recovered from a place which is not in exclusive possession of the petitioner, petitioner is said to have been falsely implicated by the local *Chowkidar* and that there is no other material to connect the petitioner with the present case, 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 Silao P.S. Case No. 200 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 4th Additional Sessions Judge-cum-Special Judge, 2nd Excise, Nalanda at Bihar Sharif 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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