

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63490 of 2023

Arising Out of PS. Case No.-427 Year-2023 Thana- BELAGANJ District- Gaya

GAUTAM KUMAR Son of Tuntun Chaudhary R/o vill - Belbigha, P.S. -
Belaganj, Distt. - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Ms. Rabia Gulnaz, Advocate Ms. Shabina Talat, Advocate
For the Opposite Party/s :	Mr. Akhileshwar Dayal, 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 Belaganj P.S. Case No.427 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. The petitioner has got one criminal antecedent in which he is said to be on bail.

3. As per the prosecution story, on 03.07.2023 when the informant along with other police personnel were on patrolling duty, he got secret information regarding carrying of illicit liquor by two persons on their motorcycle and they were going from Fatehpur to Belaganj. It is alleged that after receiving the information the informant reached at the given place and saw that two persons started fleeing away after



leaving their motorcycle. On search of the motorcycle bearing Reg.No.BR02AM-3686, total 40 liters country made mahua liquor were recovered and on search from the another motorcycle having no registration number total 45 liters of country made mahua liquor were recovered.

4. Learned counsel for the petitioner submits that from the seizure list it would appear that the motorcycle was found on the pucca road of Belaganj-Fatehpur which is a public road but no independent witness is there to the seizure list and both the seizure list witnesses are members of the raiding party. It is submitted that nobody has identified the petitioner fleeing away from the spot and the petitioner has got one criminal antecedent in which he is on bail.

5. Learned A.P.P. 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 is submitted that from the seizure list it would appear that the motorcycle was found on the pucca road of Belaganj-Fatehpur which is a public road but no independent witness is there to the seizure list and both the seizure list witnesses are members of the raiding party, nobody has identified the petitioner fleeing away from the spot and the



petitioner has got one criminal antecedent in which he is on bail, this Court directs that in case of his arrest/surrender within a period of six weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise, Court No.2, Gaya in connection with Belaganj P.S. Case No. 427 of 2023, 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)

arvind/-

U		T	
---	--	---	--

