

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.67722 of 2023**

Arising Out of PS. Case No.-294 Year-2022 Thana- SIKTI District- Araria

Md. Salman @ Salman Son Of Md. Saidul Resident Of Village- Sindhiya  
Ward No. 3, PS- Sikti, Distt- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      08-11-2023                      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 Sikti P.S. Case No. 294 of 2022 registered for the offences punishable under Sections 341, 323, 324, 504 and 506 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018. He has got one criminal antecedent.

3. As per the prosecution story, when the informant was returning home after getting his son treated, he collided with the accused persons who were carrying liquor on their motorcycle. It is alleged that the accused persons abused and assaulted him and also snatched his mobile and cash Rs. 10,000/- from him. On information, police arrived and

informant handed over the liquor to them.

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 specific allegation against the petitioner. There is no recovery from the conscious possession of the petitioner rather the informant had handed over the liquor to the police personnel.

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 from the F.I.R. itself it appears that the petitioner claims to have handed over the illicit liquor to the police personnel and there is no recovery from the conscious possession of the petitioner, 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 Sikti P.S. Case No. 294 of 2022 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 Judge, Excise 2<sup>nd</sup> Araria 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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