

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67077 of 2023

Arising Out of PS. Case No.-36 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

-
1. Dharmendra Rai @ Dharmendra Prasad Yadav S/O Hardev Rai R/O Village- Choutahi, P.S- Riga, Distt.- Sitamarhi.
 2. Nathuni Rai S/O Gaura Rai R/O Village- Choutahi, P.S- Riga, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arya Achint, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-11-2023 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 Case No.C2-36/2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. The petitioners have got no criminal antecedent.

3. As per the prosecution story, allegedly 450 liters of illicit liquor were recovered from a truck bearing Reg. No. HR38R/9332.

4. Learned counsel for the petitioners submits that the petitioners' name have come on mere suspicion and they are not

the owner of the truck or driver of the truck. Learned counsel submits that one of the petitioners is said to have contested election for the post of Mukhiya in the panchayat and that is said to be the reason for his false implication. It is submitted that the petitioners have otherwise no criminal antecedent.

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

6. Having regard to the submission that the petitioners' name have come on mere suspicion and they are not the owner of the truck or driver of the truck, one of the petitioners is said to have contested election for the post of Mukhiya in the panchayat and that is said to be the reason for his false implication and the petitioners have otherwise no criminal antecedent, in the circumstances, this Court directs that in case of their arrest/surrender within a period of six weeks from today, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-II, Sitamarhi in connection with Case No. C2-36/2022, 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)

arvind/-

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