

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63570 of 2023

Arising Out of PS. Case No.-141 Year-2022 Thana- KHAJAULI District- Madhubani

Kusheshwar Bhandari Son of Gudari Bhandari, Resident of Village Jagatpur,
P.S.- Rahika, District -Madhubani.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate
For the Opposite Party/s : Md. Fahimuddin, 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 Khajauli P.S. Case No. 141 of 2022 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018. He has got one criminal antecedent in which he is said to be on bail.

3. As per the prosecution story, on 07.08.2022 at 09:30 A.M., the informant along with other police personnel during patrolling duty intercepted a motorcycle and on search, total 36 liters of Nepali Liquor was recovered from the said motorcycle and the driver of the motorcycle, namely, Shiv Kumar Mukhiya was arrested.

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 vehicle of the petitioner from which alleged recovery has been made had been stolen away and in this regard, he had also made a complaint which gave rise to Madhubani P.S. Case No. 464 of 2022. It is also submitted that the vehicle in question has been found in possession of co-accused Shiv Kumar Mukhiya.

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

6. Having regard to the submission that the vehicle of the petitioner had been stolen away and in this regard, he had also made a complaint with the police which has ultimately given rise to Madhubani Town P.S Case No. 464 of 2022 under Section 379 IPC, the alleged illicit liquor has been recovered from the said vehicle which was found to be in possession of the co-accused, namely, Shiv Kumar Mukhiya and further submission that the petitioner has been made accused only on mere suspicion, 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 Khajauli P.S. Case No. 141 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 Additional Sessions Judge 2nd -Cum-Special Judge, Excise Act, Madhubani, 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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