

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65897 of 2023

Arising Out of PS. Case No.-259 Year-2023 Thana- PATNA CITY CHOWK District- Patna

Raja Kumar @ Raja Prasad S/O Raju Kumar @ Raju Prasad R/O Village-
Rana Pratap Nagar, P.S- Islampur, Distt.- Nalanda (BIHAR) ... Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-11-2023 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 Chowk P.S. Case No. 259 of 2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act. He has got no criminal antecedent.

3. As per the prosecution story, on the basis of secret information, the Honda Activa Scooty registered in the name of the petitioner has been intercepted by the police and from the said scooty, total 23.94 liters of foreign liquor was 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 though the scooty in question was registered in the name of the petitioner but when the same was intercepted by police, the petitioner was not driving the scooty and he was not in conscious possession of the same.

5. Learned APP for the State has opposed the prayer for



anticipatory bail of the petitioner.

6. Having regard to the submission that though the scooty in question was registered in the name of the petitioner but when the same was intercepted by police, the petitioner was not driving the scooty and he was not in conscious possession of the same, further that the petitioner has no criminal antecedent, hence, 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 Chowk P.S. Case No. 259 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 Exclusive Special Court of Excise, Patna City, Patna 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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