

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64659 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- TARARI District- Bhojpur

Subhash Ram @ Ram Subhash Ram @ Ram Subhag Ram S/o Prem Chand
Ram, R/O Village- Padariya, P.S- Tarari, Distt.- Bhojpur.

... .. Petitioner

Versus

The State Of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Navin Kumar Singh, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2023 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 Tarari P.S Case No. 119 of 2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise Act, 2018. He has got no criminal antecedent.

3. As per the prosecution story, on 21.07.2023 at 09:00 P.M., the informant along with other police officials reached at the house of the petitioner. It is alleged that on search, 20 liters of illicit liquor has been recovered from the place in front of the house of the petitioner.

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 place from where alleged recovery of illicit liquor has been made is not in exclusive control of the petitioner.

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

anticipatory bail of the petitioner.

6. Having regard to the submission that the alleged illicit liquor of 20 liters has been recovered from a place which is in front of the house of the petitioner but it is not under exclusive control of the petitioner, seizure list witnesses are the police personnel and that the petitioner has otherwise no criminal antecedent, 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 Tarari P.S Case No. 119 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 Judge, Excise Court no.-II, Bhojpur, Ara, 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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