

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65619 of 2023

Arising Out of PS. Case No.-271 Year-2023 Thana- GOGRI District- Khagaria

DABLU SHARMA S/o- JOGI SHARMA Village- Gosai Shisbanni Ps- Gogri
Paura Dist- Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 67381 of 2023

Arising Out of PS. Case No.-271 Year-2023 Thana- GOGRI District- Khagaria

PINTU YADAV son of Late Ramdev Yadav Village- Purani Paura Ps- Gogri
Paura Dist- Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65619 of 2023)

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

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

(In CRIMINAL MISCELLANEOUS No. 67381 of 2023)

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

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in both these cases are seeking pre-arrest bail in connection with Gogri (Paura) P.S. Case No. 271 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act. They have got no criminal antecedent.

3. As per the prosecution story, the informant while on patrolling duty got secret information that some persons are



carrying liquor in a Scorpio vehicle. Upon such information, the informant started searching vehicles. After seeing the police, the accused persons including the petitioners started fleeing away leaving the vehicle. The petitioners have been allegedly identified in the light of vehicle. Upon search total 160 litres 830 ml foreign liquor was recovered.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the petitioners are said to have been identified in the light of police vehicle which is highly unlikely. It is further submitted that the vehicle in question does not belong to the petitioners as has been specifically stated in paragraph '11' of the application.

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

6. Having regard to the submission that the petitioners in these two cases have been made an accused on mere suspicion saying that they fled away from the place of occurrence when the vehicle was intercepted, however, the claim of the identification of these petitioners is highly contentious as it is not possible for the police party to identify the petitioners and that too in the light of the police vehicle, the petitioners have otherwise no criminal antecedent and the Scorpio vehicle from which the illicit liquor



has been recovered belongs to someone else as stated in paragraph '11' of the application, in the circumstances, this Court directs that in case of their arrest or surrender within a period of six weeks from today, the petitioners above named be released on bail in connection with Gogri (Paura) P.S. Case No. 271 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned court of Exclusive Special Excise Judge-I, Khagaria 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)

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