

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64649 of 2023**

Arising Out of PS. Case No.-109 Year-2023 Thana- KHAJAULI District- Madhubani

Akhilesh Kumar Singh Son of Ramkishun Mahto, Resident of Village-Sukki
Ghat Tole, P.S.-Khajauli, 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 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 Khajauli P.S. Case No.- 109 of 2023 registered for the offences punishable under Sections 272, 273/34 of Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018. He has got no criminal antecedent.

3. As per the prosecution story, on 05.06.2023, the informant along with other police officials during patrolling got a secret information that this petitioner and other co-accused persons have brought illicit liquor and kept the same in the mango orchard of one Ram Saran Singh. On this information, Police officials reached there and on seeing the police party, 3-4 accused persons fled away. On search, total 360 liters of Nepali

liquor was recovered from the said orchard.

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 petitioner has no concern with the allegedly recovered illicit liquor.

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 has been recovered from the orchard of one Ram Saran Singh but the petitioner has been implicated in this case on mere suspicion, the petitioner has otherwise no criminal antecedent, in the circumstances, 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.- 109 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 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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