

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67026 of 2023

Arising Out of PS. Case No.-87 Year-2023 Thana- GARKHA District- Saran

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Tufani Rai @ Pappu Kumar, Son of Balam Rai @ Raj Balam Rai, Resident of
Village-Jilkabad Mathiya, P.S.-Garkha, Dist.-Saran at Chhapra. ... Petitioner
Versus

The State of Bihar

... ... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

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

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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 Garkha P.S. Case No. 87 of 2023 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition and
Excise Act. He has got no criminal antecedent.

3. As per the prosecution story, on 22.02.2023 at 14:00, the
informant received a secret information that near a transformer in the
village-Jilkabad, Tufani Rai (this petitioner) and Pramod Rai had
concealed illicit liquor. On this information, the informant along with
other police officials reached at the said place and on seeing the police
party, two persons fled away whose name was disclosed by chaukidar
as Tufani Rai (this petitioner) and Pramod Rai. On search, total 65 liters
of illicit liquor was recovered from jute bags.

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 fact that the alleged illicit liquors have been recovered from an open place near a pine and the same is not under exclusive control of the petitioner, the petitioner has otherwise 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 Garkha P.S. Case No. 87 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 1st Saran at Chhapra, 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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