

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65901 of 2023

Arising Out of PS. Case No.-98 Year-2023 Thana- TILAUTHU District- Rohtas

Dhanti Devi, Wife Of Dheman Yadav, Resident Of Village Karhansi P S
Natwar District Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, 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 Tilauthu P.S. Case No.98 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. The petitioner has got no criminal antecedent.

3. As per the prosecution story, allegedly 55 liters of country made liquor were recovered from a motorcycle.

4. Learned counsel for the petitioner submits that there is no recovery of illicit liquor from the conscious possession of the petitioner and the petitioner was not present at the alleged place. It is submitted that the petitioner has no criminal antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the submission that there is no recovery of illicit liquor from the conscious possession of the petitioner, the petitioner was not present at the alleged place and he has no criminal antecedent, this Court directs that in case of his arrest/surrender within a period of six weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.2-cum-Additional District and Sessions Judge, Rohtas at Sasaram in connection with Tilauthu P.S. Case No. 98 of 2023, 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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