

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68652 of 2023

Arising Out of PS. Case No.-282 Year-2023 Thana- MADANPUR District- Aurangabad

Sakesh Rikiyasan Son Of Indradeo Rikiyasan Resident Of Village - Cheraiya,
P.S. - Madanpur, District - Aurangabad (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-11-2023 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 Madanpur P.S. Case No. 282 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018. He has got one criminal antecedent in which he is said to be on bail.

3. As per the prosecution story, on 24.06.2023 when the police party reached near school of Manika village, three persons were seen selling liquor but only two of them got apprehended who disclosed the name of this petitioner. It is alleged that 10 liters of illicit liquor was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. It is submitted that there is no recovery from the conscious possession of the petitioner.

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

6. Having regard to the facts and circumstances of the case wherein it is submitted that the illicit liquors have been seized from the co-accused Dhananjay Rikiyasan and Shailesh Kumar, there is no recovery from the possession of the petitioner, however, his name has transpired in the confessional statement of the co-accused who is arrested by the police, there being no other material to connect the petitioner with the allegations contained in the FIR, this Court, therefore, 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 Madanpur P.S. Case No. 282 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 Special Judge Excise Court No. 01, Aurangabad, 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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