

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66651 of 2023

Arising Out of PS. Case No.-318 Year-2022 Thana- UCHKAGAON District- Gopalganj

Rijwan Son Of Late Babujan Resident Of Village - Dahibhatta Takiya Tola,
P.S. - Uchkagaon, District - Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Shubhangi Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-10-2023 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 Uchkagaon P.S. Case No.318 of 2022 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 3 liters of country made liquor has been recovered from a bag which was thrown on the road side.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the case. Learned counsel submits that the illicit liquor has been recovered from a bag which was not in conscious possession of



the petitioner and the petitioner has clean 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 the illicit liquor has been recovered from a bag which was not in conscious possession of the petitioner and that the petitioner has clean 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 Additional District and Sessions Judge-II-cum-Special Excise Judge, Gopalganj in connection with Uchkagaon P.S. Case No. 318 of 2022, 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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