

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68478 of 2023

Arising Out of PS. Case No.-187 Year-2023 Thana- BHAGWANPUR District- Begusarai

Diwakar Kumar Jha Son Of Raj Kishore Jha @ Raj Babu Jha, Resident Of
Village - Sanjat, P.S. - Bhagwanpur, District - Begusarai

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Saket Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, 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 Bhagwanpur P.S. Case No. 187 of 2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act. He has got no criminal antecedent.

3. As per the prosecution story, the informant, on a secret information that this petitioner is indulging in illegal sale of liquor, raided his house. It is alleged that 4.5 litres liquor was recovered from a bamboo clump (*basbhitti*) which is situated behind the petitioner's house.

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 alleged recovery of liquor has been



made from a bamboo clump which is an open place and is accessible to public at large and the petitioner has no concern with the same.

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 alleged illicit liquor has been recovered from bamboo clump (*basbhitti*) behind the house of the petitioner and the petitioner has otherwise no criminal antecedent, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Bhagwanpur P.S. Case No. 187 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 Act-1 Begusarai, 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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