

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68251 of 2023

Arising Out of PS. Case No.-57 Year-2023 Thana- MUSRIGHRARI District- Samastipur

RAKESH RAM Son of Mahadev Ram Resident of Village-Gangapur, Ward
No. 8, P.S.-Musrigharai, District-Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Ms. Sagrika, Advocate Mr. Anuj Kumar, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-11-2023 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 Musarigharari P.S. Case No. 57 of 2023 registered for the offences punishable under Sections 30(a), 32 and 36 of the Bihar Prohibition and Excise Act, 2016. He has got one criminal antecedent.

3. As per the prosecution story, while the informant was on night patrolling duty on 19.04.2023, he got information that a container loaded with illicit liquor is parked near Phulwari Ghat. Upon such information, the informant went to the said place and on seeing police, accused persons fled away. On search, 2114.04 litres illicit liquor was recovered from the said container.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that petitioner has no concern with the said container from which the liquor is alleged to have been recovered and the petitioner has been made accused only on the basis of a secret information. It is submitted that one co-accused, namely, Raju Kumar has been granted anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 50959 of 2023

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

6. Having regard to the submission that the petitioner is neither owner nor driver of the container from which the illicit liquor has been seized and his name has transpired only later on on a secret information and further submission that the petitioner has been falsely implicated in this case on the basis of the so-called secret information, one of the co-accused namely Raju Kumar has been granted anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 50959 of 2023, 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 Musarigharari P.S. Case No.



57 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-1st Samastipur, 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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