

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65773 of 2023

Arising Out of PS. Case No.-481 Year-2022 Thana- SABAUR District- Bhagalpur

DEEPANKAR KUMAR Son of Sanjay Kumar @ Upendra Prasad Resident
of Village-Khutta, P.S.-Bypass (TOP), District-Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate
		Mr. Anuj Kumar, Advocate
For the Opposite Party/s	:	Mr. Dashrath Mehta, 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 Sajour (Gouradih) P.S. Case No. 481 of 2022 registered for the offences punishable under Sections 30(a), 32(i)(ii) and 41 of the Bihar Prohibition and Excise Act, 2018. He has got no criminal antecedent.

3. As per the prosecution story, the informant while on patrolling duty got secret information that a Tata Ace pickup carrying huge quantity of illicit liquor was going towards Gouradih. Upon such information, informant intercepted the said vehicle and arrested the driver, namely, Aman Kumar who disclosed the name of this petitioner who is his brother and is



employed in Jharkhand Police. Upon search of the said vehicle, total 169.875 litres 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 the petitioner has been made accused on the confessional statement of the driver of the vehicle who is also his brother. The petitioner is employed in Jharkhand Police and is alleged to be acting as a liner for the main accused.

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 in government service, he has been involved in the present case alleging that he was working as a liner for the main accused, the petitioner has otherwise no criminal antecedent, hence, 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 Sajour (Gouradih) P.S. Case No. 481 of 2022 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-02, Bhagalpur 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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