

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66592 of 2023

Arising Out of PS. Case No.-289 Year-2023 Thana- Excise P.S. District- Madhepura

ASHOK SAH @ ASHOK KUMAR Son of Late Hariballav Sah Resident of
village- Jivachhpur Ward No- 7, Madhepura (Bharrahi OP) and District-
Madhepura Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, 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 Madhepura Excise P.S. Case No. 289 of 2023
registered for the offences punishable under Section 30(a) of the
Bihar Excise and Prohibition (Amendment) Act, 2018. He has got no
criminal antecedent.

3. As per the prosecution story, the informant during
vehicle checking intercepted a motorcycle bearing Registration No.
BR43T4143 and apprehended one person who disclosed his name as
Arjun Kumar. On search 72 liters of country-made liquor were seized
from the said motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this case
only because the motorcycle in question is registered in his name.

5. Learned APP for the State has opposed the prayer for



anticipatory bail of the petitioner.

6. Having regard to the submission that the son of the petitioner was driving the motorcycle from which illicit liquors have been recovered, the petitioner has been implicated in this case only because the motorcycle is registered in his name, however, the petitioner has no criminal antecedent, 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 Madhepura P.S. Case No. 289 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 Additional Sessions Judge-VII-cum-Special Judge, Excise II, Madhepura, 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)

SUSHMA2/-

U		T	
---	--	---	--

