

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67674 of 2023

Arising Out of PS. Case No.-218 Year-2023 Thana- Excise P.S. District- Sitamarhi

Dilip Rai Son Of Ram Shresth Rai R/V Muraul Raghunathpur, Ps. Bajpatti,
Dist- Sitamarhi

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, 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 Excise Sitamarhi P.S. Case No. 218 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018. He has got no criminal antecedent but due to typographical error in the impugned order, it is mentioned that the petitioners have three antecedents, but the fact is that co-accused, namely, Baiju Rai has got three antecedent.

3. As per the prosecution story, while the informant was on patrolling duty, he got secret information that this petitioner and other co-accused persons are indulged in manufacturing and selling illegal liquor near graveyard in the

village. Upon such information, informant reached at the said place and on seeing police team, all the accused persons fled away except one Shyam Nandan Rai who was apprehended at the spot and disclosed the name of the petitioner. On search, 130 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 alleged recovery is from a graveyard in the village with which the petitioner has no concern and name of the petitioner has transpired in the statement of apprehended 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 alleged illicit liquor has been seized from a place near graveyard in the village and the name of the petitioner has transpired in the statement of the apprehended accused, 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 Excise Sitamarhi P.S. Case No. 218 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-II, Sitamarhi 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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