

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68461 of 2023

Arising Out of PS. Case No.-74 Year-2023 Thana- BASOPATTI District- Madhubani

Rajvanshi Kumar Safi S/o - Late Rambilash Safi, Resident of Village -
Basopatti, P.S. - Basopatti, Dist- Madhubani.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate
For the Opposite Party/s : Mr. Nand 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 Basopatti P.S. Case No. 74 of 2023 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) Bihar Prohibition and Excise Act. He has got no criminal antecedent.

3. As per the prosecution story, on 03.04.2023 while the informant was on patrolling duty he stopped three motorcycles on which three persons were seated and a sack each was kept on the motorcycles. On seeing the police, all the accused persons tried to flee away but two persons were apprehended and on search, total 387 litres illicit 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 is not named in the FIR, his named transpired during the course of investigation being owner of one of the motorcycles. It is further submitted that at the time of occurrence the motorcycle was in possession of co-accused Raj Kumar Sah. It is submitted that other co-accused have been granted privilege of regular bail and anticipatory bail by different co-ordinate Benches of this Court.

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 this petitioner is not named in the FIR, however, he has been made accused in course of investigation because he was found to be owner of the Hero Glamour motorcycle which was seized with the illicit liquor, at the relevant time the motorcycle was in possession of the co-accused Raj Kumar Sah and the petitioner was not with the motorcycle, submission being that the recovery is not from the exclusive possession of the petitioner and that the co-accused Raj Kumar Sah and others have already been granted privilege of regular bail and one Kanhaiya Kumar has been granted privilege of anticipatory bail, in the circumstances, 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 Basopatti P.S. Case No. 74 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 2nd Additional Sessions Judge-cum-Special Judge Excise Act, Madhubani, 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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