

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31411 of 2024

Arising Out of PS. Case No.-289 Year-2019 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Jugal Kishore Rai @ Yugal Rai, Son of Ram Badan Ray @ Ram Baran Ray
Resident of Village- Taal Dashahara, Garuaara P.S.- Samastipur Mufassil,
Dist.- Samastipur. At present residing at 3-171, Sector 2C, Bokaro Steel City,
P.S.- Bokaro Steel City, Dist.- Bokaro.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Advocate
		Mr. Smiti Bharti, Advocate
For the Opposite Party/s	:	Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-08-2024 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 Mufassil P.S. Case No. 289 of 2019 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act. He has got no criminal antecedent.

3. As per the prosecution story, on 24.06.2019 on secret information, the informant along with other police officials reached near the house of this petitioner at about 13:00 hours where they recovered 528 liters of illicit liquor kept in the bathroom which is situated outside the house of the petitioner.

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 bathroom from where the alleged illicit liquors have been recovered is adjacent to and outside the house of the petitioner.

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

6. Having regard to the submissions that the bathroom from which the illicit liquors have been recovered is adjacent to and outside the house of the petitioner, he is a 74 years old persons and is not having any criminal antecedent, 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 Mufassil P.S. Case No. 289 of 2019 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, Patna, 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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