

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32046 of 2024

Arising Out of PS. Case No.-550 Year-2023 Thana- BARUN District- Aurangabad

Manish Ram Son of Sundar Ram R/o Village- Chiraila, P.S.- Barun, District-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate
For the State : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-05-2024 Heard Ld. counsel for the petitioner and

Ld. APP for the State.

2. The petitioner apprehends his arrest in connection with G.R. No. 1293 of 2023 arising out of Barun P.S. Case No. 550 of 2023 dated 06.11.2023, registered for the offences punishable under Section 30(a) of the Bihar Prohibition of Excise (Amendment) Act, 2018.

3. As per the prosecution case, total recovery of 5.250 litre country made liquor has been made from the bushes near the over bridge.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is no recovery of illegal liquor from the possession of the petitioner, however, it has been



recovered from open space. Hence, no case is made out under Excise Act against the petitioner and the present anticipatory bail petition is maintainable.

5. It has also been stated in paragraph no.3 of the bail petition that the petitioner has one criminal antecedent but in that case, he is on bail.

6. It is also stated in paragraph no. 2 of the petition that petitioner has never moved before this Hon'ble Court for grant of Anticipatory Bail or Regular Bail.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for anticipatory bail.

8. Considering the aforesaid facts and circumstances of the case, this application is allowed, directing the petitioner above named, to be enlarged on bail in the event of his arrest or surrender before Ld. trial court within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Court of Special Judge of Excise Court No.-I, Aurangabad, in connection with G.R. No. 1293 of 2023 arising out of Barun P.S. Case No. 550 of 2023, subject to the conditions as laid down under Section 438(2) Cr.P.C. and on the



following conditions:

(i) In case, it is brought to the notice of Ld. trial court that the petitioner has any criminal antecedent, Ld. trial court shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of Ld. trial court that statement regarding previous bail petition is wrong, Ld. trial court shall cancel the bail bond of the petitioner.

(Jitendra Kumar, J.)

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