

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35173 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- KOTHI District- Gaya

Santosh Ram @ Santosh Singh, Son of Krishna Ram @ Krishnadev Ram,
R/O Vill.- Sobari, P.S.- Kothi, Dist.- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-06-2024 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 Kothi P.S. Case No. 21 of 2024 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act. He has got one criminal antecedent in which he is said to be on bail.

3. As per the prosecution story, on 16.03.2024 at 03:30 P.M. the informant got a secret information that on the bank of Morhar river at Sobari village, liquor is being stored illegally near bush. On this information, when the informant and other police personnel reached at the said place at about 06:30 P.M., two persons managed to escape and from there 45 litres of country made liquor was recovered for which seizure list was prepared in the presence of police personnel.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the name of the present petitioner has been disclosed by a spy and the seizure list witnesses are the police personnel.

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

6. Having regard to the submission that 45 litres of country made liquor has been recovered from a bush at the bank of Morhar river and the name of the present petitioner is said to have been disclosed by a spy, the seizure list witnesses are the police personnel and further that the petitioner has got one criminal antecedent but he is on bail in the said case, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above-named shall be released on bail in connection with Kothi P.S. Case No. 21 of 2024 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 Excise Judge No.-3, Gaya, 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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