

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47465 of 2024

Arising Out of PS. Case No.-128 Year-2024 Thana- UDWANTNAGAR District- Bhojpur

1. Sandeep Kumar Singh @ Sandeep Singh @ Tuntun Singh @ Hathi Singh
Son of Lal Babu Singh @ Prithvi Singh R/O Vill.- Asani, P.S.- Udwantnagar,
Dist.- Bhojpur
2. Prakash Singh @ Prakash Kumar Son of Sunil Singh R/O Vill.- Asani, P.S.-
Udwantnagar, Dist.- Bhojpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Radha Krishna, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

223-08-2024

Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case is seeking pre-arrest bail in connection with Udwantnagar P.S. Case No. 128 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act. They have no criminal antecedent.

3. As per the prosecution story, on 29.03.2024 the informant got a secret information that the FIR named accused persons had kept liquor near the bank of Banas river, 500 meters away from the Hethra Bridge under a Babul tree. On this information, the informant along with police team raided the said place and on search, total 155 liters of country-made liquor

was recovered.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the alleged recovery of illicit liquor is not from the conscious possession of the petitioners.

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

6. Having regard to the submissions that the seizure of illicit liquor has not been made from the conscious possession of the petitioners and the petitioners have no criminal antecedent as stated in paragraph '3' of the application, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Udwanthnagar P.S. Case No. 128 of 2024 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Arrah, 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 petitioners and in case at any stage it is found that the petitioners have concealed their

criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

arvind/-

U		T	
---	--	---	--