

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51713 of 2024

Arising Out of PS. Case No.-533 Year-2023 Thana- UDWANTNAGAR District- Bhojpur

Ram Balak Singh son of Late Ramavtar Singh Village- Bhagwatipur PS-
Udawanagar Dist- Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Prabhat Kumar Singh, Advocate Ms. Priya, Advocate
For the Opposite Party/s	:	Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in this case is seeking regular bail in connection with Udwanagar P.S. Case No. 533 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018. He is in custody since 15.05.2024. The petitioner has got five criminal antecedents.

3. As per the prosecution story, on 31.12.2023 the informant who is a police official got a secret information that in the village Bhagwatipur some persons are indulged in making illegal liquor. Upon such information, when the Police party reached at the said place, all the accused persons tried to flee away but three persons were apprehended. It is alleged that 104

litres countrymade liquor along with other incriminating articles were recovered from the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the recovery of illicit liquor has been made from the bank of a canal. It is further submitted that though the petitioner has got five criminal antecedents but in all those cases, he is on bail. Further, the two seizure list witnesses are the Homeguard Constables.

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

6. Having regard to the submission that the recovery of illicit liquor has been made from the bank of a canal and the two seizure list witnesses are the Homeguard Constables, the petitioner has been falsely implicated and in all the five cases stated in paragraph '3' of the application, he is on bail, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court-II, Bhojpur at Ara in connection with Udwanthnagar P.S. Case No. 533 of 2023, subject to the condition as laid down under Section 437 (3)

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 steps 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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