

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59634 of 2024

Arising Out of PS. Case No.-113 Year-2024 Thana- BASOPATTI District- Madhubani

Ram Udgar Sharma @ Ram Udgar Thakur, aged about 45 years, Son of Gangai Thakur, Resident of Village- Pataun, P.S.- Basopatti, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shailendra Kumar Jha, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 13-11-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Basopatti P.S. Case No. 113 of 2024 dated 21.06.2024 registered for the offences punishable under Sections 272, 273, 414 read with Section 34 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 317.880 litres of illicit country made liquor was recovered from the three *Motorcycles*.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is not the owner of the said seized vehicle and the same was not being driven by him at the time of alleged recovery. No incriminating article has been recovered from his possession. He was not arrested on the spot. His name has come in the present case on the basis of the confessional statement of the arrested co-accused person which has got no evidentiary value in the eye of law. There is no compliance of Section 100 of the Cr.P.C. He has no concern with the alleged offence. The other co-accused Pappu Kumar has already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 62367 of 2024 under order dated 04.09.2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand)



with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum- Special Judge, Excise Act, Madhubani, in connection with Basopatti P.S. Case No. 113 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C with further condition:-

I. The learned court below shall verify the criminal antecedent of the petitioner and at any stage, if it is found that the petitioner has concealed his criminal antecedent, the learned court below shall take step for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for the purpose of or in the name of verification.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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