

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68335 of 2024

Arising Out of PS. Case No.-188 Year-2019 Thana- LALGANJ District- Vaishali

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1. Bipul Singh @ Bipul Kumar @ Bipin Singh, S/o Pashuram Singh @ Paras Singh, Resident of Village- Sirsa Biran, P.S- Lalganj, District-Vaishali @ Hajipur
 2. Bittu Singh @ Bittu Kumar, Son of Pashuram Singh @ Paras Singh, Resident of Village- Sirsa Biran, P.S- Lalganj, Vaishali @ Hajipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sachin Kumar, Advocate

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-10-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Lalganj P.S. Case No. 188 of 2019 registered for the offences punishable under Sections 30(a), 32(2), 41(i) of the Bihar Prohibition and Excise Amendment Act, 2018. Petitioner No. 1 has got two criminal antecedents whereas petitioner no. 2 has no criminal antecedent.

3. As per the prosecution story, on 06.06.2019, the informant while on patrolling duty received a confidential information that illicit liquor has been stored at the poultry farm of Bipul Singh (petitioner no. 1). On this information, the informant along with other police officials reached there and found 2-3 four wheelers were parked and few persons were

loading the said vehicles with cartons. On seeing the police party, all the accused persons started fleeing away but on chase two of them got apprehended, namely, Prince Kumar and Chandan Singh and they disclosed the names of other persons who managed to escape as Sonu Singh, Bipul Singh (petitioner no. 1), Bittu Singh (petitioner no.2) and Sishupal Singh. On search total 1337.760 liters of foreign liquor was recovered from the said poultry farm.

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 petitioners were not present at the place of recovery. Their names have transpired in the confessional statement of the co-accused.

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

6. Having regard to the allegation and the seizure list showing recovery of illicit liquor from the poultry farm of petitioner no. 1 and then he has got two criminal antecedents of similar nature, this Court is not inclined to grant privilege of anticipatory bail to the petitioner no. 1. The prayer for grant of anticipatory bail of petitioner no. 1 is refused.

7. So far as petitioner no. 2 is concerned, his name seems to have come in the confessional statement of the co-

accused and there is no recovery of illicit liquor from his possession, therefore, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner no. 2 above named be released on bail in connection with Lalganj P.S. Case No. 188 of 2019 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 Special Excise Court No.-I-cum-Additional District and Sessions Judge, Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner no. 2 and in case at any stage it is found that the petitioner no. 2 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 2. 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.

9. This application stands partly allowed.

(Rajeev Ranjan Prasad, J)

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