

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73162 of 2024

Arising Out of PS. Case No.-28 Year-2019 Thana- DIDARGANJ District- Patna

Ramchandra Rai @ Vinod Rai S/O Ram Pravesh Rai R/O Village and P.S-
Didarganj, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-10-2024 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 Didarganj P.S. Case No. 28 of 2019 registered for the offences punishable under Sections 30(a)/38(i)/37(c) of the Bihar Prohibition and Excise Amendment Act 2016. He has got two criminal antecedents.

3. As per the prosecution story, on 23.10.2019 at 18:00 hours while the informant was on patrolling duty got a secret information about the storage of illicit liquor at one residential house in Ward No. 72. On this information, the informant along with other police officials reached near the house of Lal Babu Yadav where on seeing the police party, some persons started fleeing away. On search total 2240 liters of foreign liquor was recovered from the house of Lal Babu Yadav

and police apprehended Nilam Devi wife of Lal Babu Yadav and Sintu Rai who disclosed the names of other accused persons, namely, Prem Rai, Sunil Rai and Ramchandra Rai (this petitioner).

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is no recovery from the possession of the petitioner and similarly situated co-accused Prem Rai has already been granted bail by this Court in Cr. Misc. No. 18293 of 2019.

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

6. Having regard to the submissions that in this case, the name of the petitioner has transpired in the confessional statement of the apprehended persons but no liquor has been recovered from the house or the possession of the petitioner and similarly situated accused Prem Rai has been granted privilege of pre-arrest bail by this Court in Cr. Misc. No. 18293 of 2019, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Didarganj P.S. Case No. 28 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 Special Judge Excise Patna City, Patna 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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