

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87832 of 2024

Arising Out of PS. Case No.-352 Year-2019 Thana- BUDDHACOLONY District- Patna

Piyush Shrivastava, S/O Shri Prakash Shrivastava, Resident of Village-
Mahamadpur PS- Dariyapur District- Saran Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-12-2024 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 Buddha Colony P.S. Case No. 352 of 2019 registered for the offences punishable under Sections 30(a), 37(b)(c) of Bihar Prohibition and Excise Act, 2018 and Sections 272/273, 414/34 of the Indian Penal Code. He has no criminal antecedent.

3. As per the prosecution story, on 17.10.2019 a white color Scorpio bearing Registration No. BR01PC-4263 was intercepted by the Buddha Colony Police during patrolling. In the said vehicle, two people who were sitting were found in drunken condition and from the vehicle 42.42 liter illicit English liquor was recovered.

4. Learned counsel for the petitioner submits that the

Scorpio vehicle from which illicit liquor had been recovered does not belong to the petitioner. He is neither the owner nor the driver of the said vehicle and police has wrongly mentioned his name in the FIR.

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

6. Having regard to the submissions that the Scorpio vehicle from which illicit liquors had been recovered does not belong to the petitioner, he is neither the owner nor the driver of the same and police has wrongly mentioned his name in the FIR as also that he has no criminal antecedent, 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 Buddha Colony P.S. Case No. 352 of 2019 on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act-1, Patna, subject to the conditions as laid down under Section 438(2) 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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