

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86374 of 2023

Arising Out of PS. Case No.-79 Year-2020 Thana- Excise P.S. District- Samastipur

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Ram Udgar Mandal S/o Late Faujdari Mandal @ Faudar Mandal Village-
Pura, Ward No. 12, PS. Hathauri (Shivajinagar O.P.), Dist. Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pramod Singh, Advocate

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-01-2024 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 Excise P.S. Case No. 79 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018. He has got no criminal antecedent.

3. As per the prosecution story, the informant on the basis of secret information searched the house and nearby places of the petitioner and recovered 10.080 litres liquor from the *verandah* of the 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 the place from where the alleged recovery has been made is accessible to public at large. The petitioner was not apprehended at the spot and no incriminating article has been recovered from the conscious possession of the petitioner. It is further



submitted that the petitioner is a senior citizen aged about 73 years.

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

6. Having regard to the submission that the recovery has been made from an open *verandah* which has access to anyone in the village and this petitioner is said to be 73 years old having 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 Excise P.S. Case No. 79 of 2020 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-02, Samastipur 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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