

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5359 of 2020**

Arising Out of PS. Case No.-363 Year-2019 Thana- JOKIHAT District- Araria

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Bittu @ Afzal, aged about 34 years (M), Son of Late Rasul Resident of  
Village - Jokihat Bazar, Fakir Tola, P.S.- Jokihat, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

2      29-02-2020                      Heard learned counsel for the petitioner and learned  
counsel for the State.

In this case, the petitioner is apprehending his arrest  
in connection with Jokihat P.S. Case No. 363 of 2019 corresponding  
to Special Case No. 1339 of 2019 registered for offences under  
sections 30(a) of the Bihar Prohibition & Excise Act, 2016 and  
Section 272, 273, 34 of the Indian Penal Code.

As per prosecution case, the police has recovered 14  
litres of beer from the hotel of co-accused Sanjay Bhagat which  
has taken the name of the present petitioner.

The petitioner has got no criminal antecedent as has  
been stated in paragraph no.3 of the present bail application.

Looking to the entire facts and circumstances of the  
case, let the petitioner, above named, in the event of his arrest or  
surrender before the court below within a period of four weeks



from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2<sup>nd</sup> Additional Sessions Judge cum Special Judge, Araria in connection with Jokihat P.S. Case Zno. 363 of 2019 corresponding to Special Case No. 1339 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioner for investigation/interrogation, he will remain present and if he would not present himself, the privilege of grant of anticipatory bail shall be deemed to have been canceled. It is also made clear that if the petitioner repeats the similar offence in future, the prosecution will be at liberty to file an application for cancellation of the bail.

However, at the time of accepting bail bonds, the court below will verify and ensure itself regarding criminal antecedent of the petitioner and if it is found that the petitioner has clean antecedent, his bail bond will be accepted but, if it is found that the petitioner is involved in any other case before filing of the present case i.e. 24.1.2020, then he would not be released.

**(Shivaji Pandey, J)**

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