

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29094 of 2021

Arising Out of PS. Case No.-144 Year-2018 Thana- BAKHARI District- Begusarai

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PRAVEEN KUMAR @ PRAVEEN MAHTO Son of Dinesh Mahto Resident
of Village - Khair Daraha Hari, P.S.- Bakhri, District - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Adv

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 14-06-2021 Heard learned counsel for the parties.

Petitioner apprehend his arrest in a case registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act.

Informant who is a police officer has alleged that during patrolling of the area, he saw two persons boarded on motorcycle carrying one sack and on seeing the police party they dropped the bag on the road and fled away. They also left the motorcycle and thereafter the motorcycle was seized by the police.

It has been submitted on behalf of petitioner that he is innocent and has been falsely implicated in this case on the

basis of confessional statement of co-accused Kailash Kumar. 22.8 litre of illicit liquor was recovered from the motorcycle bearing registration No. BR 09R 9715 with which petitioner has no concern. It is further submitted that petitioner was neither apprehended at the spot nor anything has been recovered from the possession of the petitioner, as such provisions of Excise Act will not be applicable and he is not accused in any excise case previously.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail in the event of his arrest or surrender before the court below within a period of four weeks from today upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Bakhri PS Case No. 144 of 2018**, subject to the conditions laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the

court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4). If the petitioner is found involved in similar nature of offence, after his release on bail, the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

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