

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1956 of 2023

Arising Out of PS. Case No.-579 Year-2022 Thana- JAGDISHPUR District- Bhojpur

MANORANJAN KUMAR Son of Ramesh Kumar Singh R/V- Lasarhi, P.S-
Garahani, Dist- Bhojpur Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Kahkashan Alam,Advocate

For the Opposite Party/s : Mr.Bharat Lal,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Jagdishpur P.S. Case No. 579 of 2022 for the offence registered under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution story, the police intercepted a vehicle and from the cabin of the said vehicle 263 litres 520 ml foreign liquor was/were recovered/seized, the petitioner owns the said vehicle. Accordingly, the FIR was lodged.

Learned counsel for the petitioner, Ms. Kahkashan Alam submits that one Vinod Kumar had taken a vehicle on hire for transport of paddy and the petitioner never came to know that the same is being used for illegal transportation of liquor. Nothing has been recovered from his conscious possession.



Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he owns the vehicle.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also the fact that he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

If however, it is found that the petitioner has criminal antecedent, the bail order shall become infructuous.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Exclusive Special Excise Court Bhojpur at Ara in connection with Jagdishpur P.S. Case No. 579 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall co-operate in the investigation and made himself available to the police as and when required.

Before parting this Court would like to put on record its words of appreciation for Ms. Kahkashan Alam, learned counsel for the petitioner for proper assistance in the matter.

(Rajiv Roy, J)

Jagdish/Neha/-

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