

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1978 of 2023

Arising Out of PS. Case No.-307 Year-2022 Thana- KHODAWANDPUR District- Begusarai

Ashok Kumar Sah Son Of Ashrafi Singh R/O Village- Ward No.4, Birpur,
P.S.- Hasanpur, District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma, Advocate

For the Opposite Party/s : Mr.Braj Kishore Pd., 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 is apprehending arrest in connection with Khodabandpur (Chhourahi O.P.) P.S. Case No. 307 of 2022 under sections 420, 120(b) of the Indian Penal Code & Section 30(a), 41(i) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecutions story, the police upon secret intercepted a pick-up van although accused managed to escape. On search, 798.840 liters of foreign liquor was recovered/seized.

Learned counsel for the petitioner concedes that the van belongs to him but the same was taken by his driver Chintu Sah for carrying potato and he had little knowledge that in the



garb of carrying potato, wine was also kept in it. Further submission is that the seized vehicle now stands released and he is ready to contribute Rs. 25000/- in the Account No. 1413010060836 of Patna High Court Legal Services Authority irrespective of the outcome of the present case.

Considering the aforesaid facts as also that nothing has been recovered from the conscious possession of the petitioner and he do not have criminal antecedent and will be facing the trial , this Court is inclined to grant him the privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No. I, Begusarai, in connection with Khodabandpur (Chhourahi O.P.) P.S. Case No. 307 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the conditions as follows:

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



(ii) the petitioner shall co-operate in the investigation and make themselves available to the police as and when required;

(iii) 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;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) 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;

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

(Rajiv Roy, J)

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