

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1971 of 2023

Arising Out of PS. Case No.-52 Year-2021 Thana- CIVIL LINE District- Gaya

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RISHU KUMAR @ SAGAR @ SAGAR KUMAR Son of Navin Kumar R/o
Mohalla- Tilha Dharamshall, Ramchandra Babu Lane, Paschim Duar, P.S-
Civil Line, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Singh, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

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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 Civil Lines P.S. Case No. 52 of 2021 under section 30(a)
of the Bihar Prohibition and Excise Act, 2016.

As per the prosecutions story, the police while on
patrolling duty, raided the place of occurrence for verification
when the accused escaped and altogether 41.175 liters of foreign
liquor of the different quality and brand were recovered/seized.

Accordingly, the FIR.

Learned counsel for the petitioner submits that it is a
joint house, nothing has been recovered from the conscious
possession of the petitioner as also he do not have criminal



antecedent.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Considering the aforesaid submission put forward by the learned counsel for the petitioner as also that he do not have criminal antecedent and will be facing the trial as also the fact that it is joint house, this Court is inclined to grant him the privilege of anticipatory bail.

If, however, it is found that the petitioner do have criminal antecedent, this order shall become infructuous.

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 Judge, Court No.01, Gaya, in connection with Civil Line P.S. Case No. 52 of 2021 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 himself 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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