

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2471 of 2023

Arising Out of PS. Case No.-191 Year-2022 Thana- PATEPUR District- Vaishali

SUDHIR KUMAR @ SUDHIR RAI	 Petitioner/s
Versus	
THE STATE OF BIHAR	 Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Anuj Kumar, Advocate
For the Opposite Party/s :	Mr.Amitesh Kumar, 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.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is apprehending arrest in connection
with Patepur P.S. Case No. 191 of 2022 under section 30(a) of
Bihar Prohibition and Excise Act.

As per the prosecution story, upon secret
information, the police went to a dilapidated house where
926.24 liters of liquor of different brand were recovered/seized
and the locals gave the name of the owner as Dukhani Devi. The
locals further said that it is abandoned for the last 10-12 years
and taking advantage of it, the accused persons are using it for
illegal activities.

Accordingly, the FIR.

Learned counsel for the petitioner submits that



nothing has been recovered from his conscious possession even such house does not belong to him and the locals due to enmity has given his name.

Further without accepting the allegation and/or the outcome of the present case, he is ready to deposit Rs. 25000/- in Account No. 14130100415712 of Bihar State Bar Council Advocates Welfare Fund.

Learned APP on the other hand opposes the prayer.

Considering the fact that the house does not belong to him, from which the recovery has been made and the FIR has been lodged and ultimately he will have to face 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.II cum Additional District and Sessions Judge, Hajipur, Vaishali, in connection with Patepur P.S. Case No. 191 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 himself available to the police as and when required;

(iii) the petitioner shall appear every month before the Trial Court till conclusion of the trial and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her 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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