

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31272 of 2022

Arising Out of PS. Case No.-363 Year-2021 Thana- SONEPUR District- Saran

BINOD SAH @ BONOD SHAH Son of Late Vali Shah R/O Village -
Bakarpur, P.S.- Sonapur, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 01-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection
with Sonapur P.S. Case No.363 of 2021 instituted under
Sections 30(a), 38, 41(i) of the Bihar Prohibition and Excise
Act, 2016.

As per the prosecution story, the police upon secret
information of movement of illegal wine intercepted the
vehicles and from a tempo 405 liters wine was seized while
from pick up van, 820.8 liters were recovered totalling 1225.8
liters. One of the co-accused person was arrested and later the
police came to know that the truck on which the wine was
carried was driven by this petitioner from Jharkhand.
Accordingly, the FIR was lodged.



Learned counsel for the petitioner submits that the recovery is from the pick up van and the tempo and the police on its own came out with a theory that it was earlier carried on a truck which was driven by the petitioner and which gave them a lever to make him accused in this case. The last submission is that he do not have criminal antecedent.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that the quantity is 1225.8 liters.

Taking into account that the recovery is from the tempo as well as the pick up van, and not from any Truck, he do not have criminal antecedent and will be ultimately facing the trial, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Sonapur P.S. Case No.363 of 2021 to the satisfaction of learned 2nd Exclusive Special Excise Court, Saran at Chapra, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(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 will make himself available to the police as and when required in course of investigation;

(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/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 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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