

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31337 of 2022

Arising Out of PS. Case No.-334 Year-2020 Thana- MANJHAGARH District- Gopalganj

ASHU KUMAR @ ASHU SINGH S/O Ganesh Singh R/O Village-Dhama
Pakar, Dumaria, P.S.-Manjhagarh, Distt.-Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Pratap Singh, Adv.

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 09-02-2023 Heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in connection with Manjhagarh P.S. Case No. 334 of 2020 instituted under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution story, the police got secret information that three accused persons including this petitioner are selling country made liquor and accordingly, upon search, in the garbage, amongst other 112 litre, 200 ml country made liquor having brand of Tanu and Banti Babli liquor were recovered/seized. Accordingly, the same were seized and as locals named accuseds and the petitioner being one of them, the FIR was lodged.



Learned counsel for the petitioner submits that nothing has been recorded from his conscious possession nor from his home and any recovery/seizure from the garbage cannot be attributed to him particularly when he has no criminal antecedent.

Learned APP on the other hand opposes the prayer of bail and concedes that the recovery/seizure is from the garbage.

Taking into account all the aforesaid facts including that he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

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

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Manjhagarh P.S. Case No. 334 of 2020 to the satisfaction of learned 2nd District and Sessions Judge cum Spl. Judge Excise, Gopalganj at Gopalganj, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and 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 co-operate in the investigation and make himself available to the police as and when required;

(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)

Ajay Singh/-

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