

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34362 of 2023

Arising Out of PS. Case No.-21 Year-2020 Thana- RAJAOLI District- Nawada

PREM KUMAR @ RAVI KUMAR SON OF BALCHAND CHAUDHARY
RESIDENT OF VILLAGE- BAURIATAAR, PS- RAJAULI, DISTT-
NAWADA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate

For the Opposite Party/s : Mrs.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-07-2023 Heard Mr. Arjun Prasad, learned counsel for the
petitioner and Mrs. Sucheta Yadav, learned APP for the State.

The petitioner is apprehending arrest in connection
with Rajauli (Rajouli) P.S. Case No. 21 of 2020 instituted
under Section 30(a)/41 of Bihar Prohibition and Excise Act,
2016 lodged on 18.1.2020 by the informant Sujai Vidarthi.

As per the prosecution story, the police intercepted
two motorcycles from which 25 liters of country made liquor
was recovered and further from a nearby place, another 50 liters
of country made liquor was recovered/seized.

Learned counsel for the petitioner submits his
implication is only on the basis of his ownership of the
motorcycle. Further, he is a poor labourer and have no role to



play in the matter. In a parked motorcycle, someone hanged the country made liquor for which he has been made accused.

Learned APP opposes the prayer stating that he has criminal antecedent which includes the case under Excise Act also.

Considering the fact that the recovery/seizure is from an open place and the FIR lodged and ultimately he will have to face the trial, this Court is inclined to extend him privilege of anticipatory bail.

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 Rajauli (Rajouli) P.S. Case No. 21 of 2020 to the satisfaction of learned Exclusive Special Excise Court-2, Nawada subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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 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;

(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.

With the aforesaid observation, the bail application stands allowed.

(Rajiv Roy, J)

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