

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34542 of 2023

Arising Out of PS. Case No.-152 Year-2018 Thana- CHAKIA District- East Champaran

RAJESH SAH @ RAJESH PRASAD son of Hajari Sah @ Hajari Prasad
Village- Ram Karan Pakri Ps- Chakia Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raki Alam, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-07-2023 Heard the parties.

The petitioner is apprehending his arrest in connection with Chakiya P.S. Case No. 152 of 2018 for the offence under Sections 272 and 273 of the I.P.C. and Section 30(a) of Bihar Prohibition and Excise Act lodged on 10.07.2018 by the informant, Munnilal Besra.

As per the prosecution story, from the house of one Samsad, 8.250 ml of foreign liquor was recovered/seized and further allegation is that this petitioner was also involved in the alleged selling of the foreign liquor. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that admittedly, the recovery is from the house of Samsad and he do not have criminal antecedent. Further, Samsad has been granted anticipatory bail vide Cr. Misc. No. 75910 of 2018 and he was



unaware of his implication in the present case and only when he come to know the present petition.

Learned APP opposes the prayer stating that the matter is of 2018 and now, the petitioner has decided to come to judicial custody.

Considering the aforesaid facts as also that the co-accused, Samsad has been granted the privilege of anticipatory bail and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail in the event of 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. 1 Civil Court, East Champaran at Motihari, in connection with Chakiya P.S. Case No. 152 of 2018 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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;

(v) 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 observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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