

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34557 of 2023

Arising Out of PS. Case No.-90 Year-2023 Thana- PATAHI District- East Champaran

MANOJ SINGH @ MANOJ KUMAR son of Sanjay Singh Village- Bara
Shankar Ps- Patahi Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Tiwari, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-07-2023 Heard Mr. Suraj Tiwari, learned counsel for the
petitioner and the State.

The petitioner is apprehending his arrest in connection with Patahi P.S. Case No. 90 of 2023 for the offence under Sections 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018 of the I.P.C. lodged on 20.03.2023 by the informant, Dhananjay Kumar.

As per the prosecution story, the petitioner intercepted a motorcycle on which a white bag was tied. However, taking the cover of darkness, the accused escaped and from the bag, 85 pieces of Nepali Kasturi and 24 pieces of Nepali Saifi total 109 pieces were recovered/seized. The local 'Chaukidar' gave the name of the accused as this petitioner. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that he had



parked the motorcycle on road and went to attend the call of nature and later came to know that the same has been seized because a bag containing Nepali Saifi has been attributed to him.

Learned APP opposes the prayer stating that he is the owner of the vehicle.

Taking into account the fact that the vehicle was on the road on which the alleged recovery has been made, the F.I.R. lodged and ultimately he will have to face the trial, 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. 2, Civil Court, East Champaran at Motihari, Bihar, in connection with Patahi P.S. Case No. 90 of 2023 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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