

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40843 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- DIGHWARA District- Saran

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Baban Singh @ Sushil Singh @ Baban Kumar Son of Shivrekha Singh
Resident of village - Ramdas Chak, P.S. - Dighwara, Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-07-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Dighwara P.S. Case No. 11/23 instituted under under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 15.1.2023 by the informant Lalit Kumar.

The allegation in the F.I.R. is that to stop illegal liquor sale, the informant, on the information of S.S.P. of the district reached the place of occurrence and found a plastic bag containing 8 liters of illegal liquor. Upon enquiry, it was found that it belonged to the petitioner. Thus, the FIR.

Learned counsel for the petitioner submits he has nothing to do with the alleged recovery of the bag/liquor and the police has wrongly implicated him and lastly he do not have criminal antecedent.



Learned APP opposes the prayer for relief.

Considering the fact that recovery of 8 liters of liquor from the bag is/was found from an open place and the petitioner do not have any criminal antecedent, 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 Dighwara P.S. Case No. 11/23 to the satisfaction of learned Special Judge, Excise-I, Chhapra at Saran 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 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 is allowed.

(Rajiv Roy, J)

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