

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40674 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- KHAJAU LI District- Madhubani

Vivek Singh @ Vivek Kumar Son Of Kishori Singh Resident Of Village
Laskariya, Ps- Jaynagar, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-07-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Khajauli P.S. Case No. 38 of 2023 instituted under Sections 272, 273 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act lodged on 6.3.2023 by the informant, Indradev Singh.

As per the prosecution story, the police alleged that during patrolling, it intercepted a motorcycle loaded with a sack containing 300 bottles of the Nepali country made wine which was recovered/seized as also from another sack, same number of Nepali country made wine was/were recovered. One person was caught, he was Ashok Kumar Singh while other escaped and said arrested person gave his name as petitioner.

It is the case of the petitioner that he has no role to



play in the alleged recovery of the Nepali wine, do not have criminal antecedent and his name has come in the confession of Ashok Kumar Singh.

Learned APP opposes the prayer stating that his name has come in the confession of arrested person.

Considering the aforesaid facts/submission put forward by the learned counsel for the petitioner as also that he do not have 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) with two sureties of the like amount each in connection with Khajauli P.S. Case No. 38 of 2023 to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani 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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