

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40533 of 2023

Arising Out of PS. Case No.-223 Year-2023 Thana- MADANPUR District- Aurangabad

Ashok Kumar @ Ashok Kumar Singh @ Ashok Singh Son of Sudarshan Singh Resident of Village - Gothani, P.S.- Rafiganj, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2023 Heard Mrs. Leelawati Kumari, learned counsel
for the petitioner and the State.

The petitioner is apprehending arrest in connection with Madanpur P.S. Case No. 223 of 2023 instituted under under Section 30(a), 34, 36 of the Bihar Prohibition and Excise Act lodged on 19.5.2023 by the informant, Shasi Kumar Rana.

As per the prosecution story, the informant intercepted a Tata 407 vehicle and recovered/seized 21 liters of spirit. Accordingly, the FIR.

Learned counsel for the petitioner submits that he has been dragged only alleging that he is a liner in the present case and the name has come in the confession of Dilip Kumar Mehta.

Learned counsel for the petitioner submits that one



Upendra Singh @ Upendra Kumar Singh who has also been implicated on the basis of confessional statement of Dilip Kumar Mehta has criminal antecedent inasmuch as seven cases are against him, has since been granted the privilege of bail by a coordinate bench of this Court vide Cr. Misc. No. 41727 of 2023 on 5.7.2023.

Let the same be kept on record.

Learned APP opposes the prayer stating that the petitioner has criminal antecedent of the same nature.

Taking into account the fact that the alleged recovery is from the vehicle, the petitioner was not present at the spot, the name has come in the confessional statement of Dilip Kumar Mehta, similar situate co-accused Upendra Kumar @ Upendra Kumar Singh has since been granted anticipatory bail, as stated above, 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 Madanpur P.S. Case No. 223 of 2023 to the satisfaction of learned Special Judge,



Excise Court No. 01, Aurangabad (Bihar) 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;



(vii) If the petitioner indulges in criminal act of the nature, this anticipatory bail application shall stand cancelled.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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