

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42046 of 2023

Arising Out of PS. Case No.-123 Year-2023 Thana- KOTWA District- East Champaran

ROZADDIN MIYA @ SIPAHI S/O JAHRUDDIN MIYA R/O Village-
Pakadi, PS.Dumariyaghat, Dist. East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-08-2023 Heard Mrs. Shail Kumari, learned Counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

The petitioner apprehends his arrest in connection
with Kotwa P.S. Case No. 123 of 2023 for the offence registered
under sections 272, 273, 467, 468 and 471 of the Indian Penal
Code and sections 30(a), 32, 36 and 41(i)(ii) of the Bihar
Prohibition and Excise Act lodged on 01.04.2023 by the
informant, Anuj Kumar Singh.

As per the prosecution story, the police upon
information intercepted a container and recovered/seized 7150
litres of spirit kept in the cabin. The driver and the cleaner were
arrested and they gave the name of the owner as Amir Khan.
Accordingly, the FIR.



It is the case of the petitioner that he is neither the owner nor the driver of the container and further was not even present at the spot, his name has come in the confessional statement of the arrested persons, taking him in the list of accused.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that huge quantity of spirit has been recovered/seized.

Considering the fact that the petitioner do not own the container, all the accuseds already stands arrested, the FIR is lodged ultimately he will have to face the trial and further he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, East Champaran, Motihari in connection with Kotwa P.S. Case No. 123 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of



the petitioner, who shall provide official document to show his *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 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 the bail bonds.

With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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