

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40364 of 2023

Arising Out of PS. Case No.-48 Year-2023 Thana- PAKRIDAYAL District- East Champaran

BILAL S/O KALLU KHAN R/O Vill- Itala Mafi H No.- 150, P.S- Pakwara,
Distt.- Moradabad, Uttar Pradesh.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Tiwary, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2023 Heard Mr. Suraj Tiwary learned counsel for the
petitioner and the State.

The petitioner apprehend his arrest in connection with Pakridayal P.S. Case No. 48 of 2023 for the offence punishable under Sections 272, 273, 34 of the I.P.C. and 30 (a) Bihar Prohibition And Excise (Amendment) Act, 2018 lodged on 07.03.2023 by the informant Kaushalendra Kumar.

As per the prosecution story, the informant intercepted a vehicle and recovered/seized of 2213.1 litres of Indian made foreign liquor as also 14,272.2 litres ‘apple juice’ and accordingly, the FIR.

Learned counsel for the petitioner submits that the petitioner is the owner of the said vehicle and had little knowledge of what is being carried by the driver of the vehicle



and further he is ready to abide by all terms and conditions.

Learned APP opposes the prayer stating that there is recovery of liquor.

Considering the fact that the petitioner is the owner of the vehicle and do not have criminal antecedent and will have to face the trial and is ready to abide by all the terms and conditions, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner, in the event of his arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Court of Special judge, Excise Court No. 2, East Champaran, Motihari, in connection with Pakaridayal P.S. Case No. 48 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 month 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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