

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40841 of 2023

Arising Out of PS. Case No.-65 Year-2023 Thana- PHULWARIYA District- Gopalganj

Sachin Kumar Singh aged about 21 years sex-Male Son of Sudarshan Singh
@ Sudarshan Bhagat Resident of Village - Gosaisia @ Damanpur Tola
Gosaisia, P.S.- Bhore, District - Gopalganj, Pin Code - 841426.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Roy, Advocate

For the Opposite Party/s : Mrs. Meena 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 Phulwaria P.S. Case No. 65 of 2023 instituted under under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 19.2.2023 by the informant, Kapildev Singh.

As per the prosecution story, the police is the informant and while it was on patrolling duty, upon a secret information reached the place of occurrence and found one person fleeing away taking advantage of dense visibility. The local 'Chowkidar named him as the petitioner herein.

The gunny bag was recovered from which 22.600 liters of country made liquor were recovered/seized. Thus, the FIR.



Learned counsel for the petitioner submits that recovery is from an open place in a gunny bag there which does not belong to the petitioner and the 'Chowkidar' due to enmity has named him.

Learned APP opposes the prayer.

Considering the fact that the recovery is from an open place and his name has come in the statement of the 'Chowkidar', 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 Phulwaria P.S. Case No. 65 of 2023 to the satisfaction of learned Additional District Judge-II-cum-Special Judge, Excise Court-I, Gopalganj, corresponding to P.T.N. 167 of 2023 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)

Ravi/-

U		T	
---	--	---	--

