

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40695 of 2023**

Arising Out of PS. Case No.-196 Year-2023 Thana- KHARHAGPUR District- Munger

TINKU KUMAR @ TINKU PASWAN Son of Maheshwar Paswan Resident
of Village - Aspatal Tola, Bariyarpur, P.S.- Bariyarpur, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Patel, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2023 Heard the parties.

The petitioner is apprehending his arrest in connection with Kharagpur (Sampur) P.S. Case No. 196 of 2023 for the offence under Sections 30(a) of Bihar Prohibition and Excise (Amendment) Act lodged on 10.04.2023 by the informant, Uday Shankar Singh.

As per the prosecution story, upon secret information about selling of illicit liquor in the forest of '*Kali Pahari*', the raiding team reached there and recovered/seized 45 liters of country-made liquor in three plastic gallons and the locals named this petitioner as the person behind the said recovery/seizure. Accordingly, the F.I.R.

It is the case of the learned counsel for the petitioner that he has no role to play in the matter nor he has in any way



attached with the said recovery.

Learned APP opposes the prayer.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also the fact that he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Exclusive Special Court Excise-1, Munger, in connection with Kharagpur (Sampur) P.S. Case No. 196 of 2023 subject to the conditions 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/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 appear before the concerned



police station every fortnight 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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