

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42034 of 2023

Arising Out of PS. Case No.-485 Year-2022 Thana- BEUR District- Patna

SURAJ KUMAR son of Umesh Chaudhary R/o- Beur Jorakuan Ps- Beur
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd. Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-08-2023 Heard the learned Counsel for the petitioner and Mr.
Jitendra Kumar Singh who represent the State.

The petitioner apprehends his arrest in connection with Beur P.S. Case No. 485 of 2022 for the offence punishable under Section 30 (a), 37 of the Bihar Prohibition And Excise Act I.P.C lodged on 25.09.2022 by the informant Ashok Kumar Singh.

As per the prosecution story, the motorcycle was intercepted and 23 liters '*mahua*' liquor was recovered. One Rishi was apprehended while another person escaped. the person arrested, named the person escaping as petitioner. Accordingly the FIR.

It is the case of the petitioner that only because the motorcycle belongs to him, his name was dragged in the FIR, he



had allowed his friend, Rishi to take the motorcycle, who misused the same for which he is facing his case. Further submission is that he do not have criminal antecedent

Mr. Jitendra Kumar Singh learned APP opposes the prayer stating that the motorcycle belongs to him.

Considering the fact that the recovery is from Rishi, the petitioner was not there on the spot and he do not have criminal antecedent, 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 Spl. Judge Excise Act, Patna in connection with Beur P.S. Case No. 485 of 2022, 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 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)

Jagdish/Jyoti/-

U			
---	--	--	--

