

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41948 of 2023

Arising Out of PS. Case No.-315 Year-2020 Thana- KANTI District- Muzaffarpur

SONA @ ANIT KUMAR @ SONA BHAI S/O CHANDRA BANSI
THAKUR R/O VILLAGE- PATAHI RUP, PS. SADAR MUZAFFARPUR,
DIST.MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-08-2023 Heard the learned Counsel for the petitioner and Mr.
Mohammed Arif who represent the State.

The petitioner apprehend his arrest in connection with Kanti P.S. Case No. 315 of 2020 for the offence punishable under Sections 30 (a) 38, 41 of Bihar Prohibition of Excise Act 2016-18 I.P.C lodged on 03.06.2020 by the informant Abhay Kumar.

As per the prosecution story, an Alto was intercepted from which 148.680 liters of illicit liquor was recovered/ seized, one Deepak Kumar was apprehended who gave the name of the petitioner and accordingly, his name cropped up into the FIR.

It is the case of the learned counsel for the petitioner



that he is not the owner of the car nor anything to do with the liquor business and only because his name has been confessed by Deepak Kumar, his implication.

Further, he is ready to pay Rs. 10,000/- to the Bihar State Legal Services Authority irrespective of the outcome of the present case and/or accepting the allegation.

Learned APP opposes the prayer stating that the accused apprehended and his name came accordingly.

Considering the fact that his is not the owner of the said Car and do not have criminal antecedent and further will face the trial, this Court is inclined to extend him the privilege of anticipatory bail, subject to payment of Rs. 10,000/-, as stated above, and a receipt thereof has to be submitted before the concerned Court.

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 Special Judge Excise Court no. II, Muzaffarpur, in connection with Kanti P.S. Case No. 315 of 2020, 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/-

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