

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45277 of 2023

Arising Out of PS. Case No.-384 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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SHAKTI KUMAR SINGH son of Shyam Dat Singh Village- Dhobdiha Ps-
dadhi Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-08-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Aurangabad Excise P.S. Case No. 384 of 2023 instituted under under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 5.5.2023 by the informant, Lalmani Kumar.

As per the prosecution story, the allegation is that from a motorcycle 24 liters of wine has been recovered. Accordingly, the FIR.

The two accuseds were apprehended namely Ashutosh Kumar Singh and Aniket Singh.

Learned counsel for the petitioner submits that the motorcycle belonged to him which he had handed over to his family member Aniket Singh and had nothing to do with the



alleged recovery of 24 liters of wine. Further, he do not have criminal antecedent.

Learned APP opposes the prayer.

Considering the fact that the alleged motorcycle from the motorcycle has been attributed to Aniket Singh and Ashutosh Kumar Singh who were arrested from the spot, his name has come on the basis of he being owner of the motorcycle and do not have criminal antecedent, 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) with two sureties of the like amount each in connection with Aurangabad Excise P.S. Case No. 384 of 2023 to the satisfaction of learned Special Judge Excise-II, Aurangabad 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.

(Rajiv Roy, J)

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