

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47654 of 2023

Arising Out of PS. Case No.-716 Year-2020 Thana- SONEPUR District- Saran

LOKHAI RAI @ NOKHI RAI @ NAGENDRA RAI Son of Amirchandrai
Resident of village - Babukhani, P.S.- Sonepur, District - Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Sonepur P.S. Case No. 716 of 2020 instituted under under Sections 420, 467, 468, 471, 120(B)/272, 273 of the Indian Penal Code and section 30(a)/34/38/36/40(i) of the Bihar Prohibition and Excise Act lodged on 1.10.2020 by the informant, Akil Ahamad.

As per the prosecution story, the police upon information reached near the bank of Ganges and recovered 17.625 liters of country made, 286 empty bottles of Imperial Blue and 75 empty bottles of Royal Stag as also cylinder. Accordingly, the FIR.

It is the case of the learned counsel for the petitioner that he is poor person and has time and again been implicated in



one after another case. Further submission is that similar placed co-accused have been extended the privilege of anticipatory bail in Cr. Misc. Nos. 3376 of 2021 and 13570 of 2021 on 27.7.2021 and 16.11.2021 respectively.

Let the same be kept on record.

Learned APP opposes the prayer stating that he has criminal antecedent.

Considering the aforesaid fact that the recovery is from an open place, FIR lodged, ultimately the petitioner will have to face the trial and other similar placed co-accused, have been granted privilege of anticipatory bail, 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 Sonapur P.S. Case No. 716 of 2020 to the satisfaction of learned Special Excise Court, Saran at Chapra 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 month till conclusion of the trial 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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