

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45117 of 2023

Arising Out of PS. Case No.-99 Year-2023 Thana- PUNAURA District- Sitamarhi

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GOLU KUMAR @ ARJUN KUMAR @ GOLU SON OF PRABHU SAH
RESIDENT OF VILLAGE- GIRMISANI, PS- PUNAURA, DISTT-
SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-08-2023 Heard the learned Counsel for the petitioners and

Mr. Md. Iftekhar Mahmood who represent the State.

The petitioner apprehend his arrest in connection with Punaura P.S. Case No. 99 of 2023 for the offence punishable under Section 30 (a) of Bihar Prohibition And Excise Amendment Act- 2018 I.P.C lodged on 28.01.2023 by the informant Sadan Kumar.

As per the prosecution story, the police on the basis of information, raided a bamboo yard behind the school and recovered 381 liters *wine*, two accused persons namely Samunday Devi and Chandrabhushan Kumar were arrested and they confessed the name of the petitioner herein. Accordingly the FIR.



Learned counsel for the petitioner submits that alleged recovery is from the bamboo yard having no connection with the petitioner and only because he is agnate of Chandrabhshan Kumar, implication. Further, he do not have criminal antecedent.

Learned APP opposes the prayer.

Considering the fact that he do not have criminal antecedent, he is a young boy of 21 years and that the recovery is from the bamboo yard behind the school, 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 learned court of Additional District and Sessions Judge I-cum- Exclusive Special Judge (Excise), Sitamarhi, in connection with Punaure P.S. Case No. 99 of 2023, 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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