

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45259 of 2023

Arising Out of PS. Case No.-103 Year-2023 Thana- BARHIYA District- Lakhisarai

1. Ramesh Kumar @ Ramesh Singh @ Ramesh Kumar Singh Son Of Kapildev Singh Resident Of Village- Dumri, Ps- Barhiya, Dist- Lakhisarai
2. Guddu Kumar @ Alok Kumar Son Of Late Manoj Singh Resident Of Village- Dumri, Ps- Barhiya, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Anand, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2023 It has been informed by the learned counsel for the petitioners that the petitioner no.2 has been arrested during the pendency of the petition and as such so far as the case of the petitioner no.2 is concerned, the same has become infructuous.

Heard the parties.

The petitioner no.1 is apprehending arrest in connection with Barhiya P.S. Case No. 103 of 2023 instituted under under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 6.5.2023 by the informant, Arbind Kumar Soren.

As per the prosecution story, the police on secret information reached the place of occurrence and near the house of the petitioner no.2, 10 liters 440 ml whisky was/were



recovered/seized. Accordingly, the FIR.

It is the case of the learned counsel for the petitioner no.1 that the alleged recovery is near the house of Guudu Kumar who has already been arrested. The petitioner no.1 is innocent and implicated only because he has criminal antecedent.

Learned APP opposes the prayer.

Considering the fact that the alleged recovery is near the house of the petitioner no.2 who already stands arrested, the petitioner no.1 has no role to play in the matter as submitted, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner no.1 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 Barhiya P.S. Case No. 103 of 2023 to the satisfaction of learned Additional District and Sessions Judge-IV-cum-Special Judge (Excise Act)-1st, Lakhisarai 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 no.1 who shall provide official document to show his/her bona fide;

(ii) the petitioner no.1 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 no.1 shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner no.1 shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner no.1 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 no.1 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)

Ravi/-

U		T	
---	--	---	--

