

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44932 of 2023

Arising Out of PS. Case No.-196 Year-2023 Thana- MADHUBAN District- East Champaran

RAMESH SINGH @ RAMESH KUMAR SINGH SON OF LATE
RAMCHANDRA SINGH RESIDENT OF VILLAGE- PUNDARR, PS-
MADHUBAN, DISTT- EAST CHAMPARAN AT MOTIHARI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-08-2023 Heard Mr. Radha Mohan Singh learned Counsel for
the petitioner and Mr. Sanjay Kumar who represent the State.

The petitioner apprehend his arrest in connection with Madhuban P.S. Case No. 196 of 2023 for the offence punishable under Section 272, 273 of the IPC and section 30 (a) of Bihar Prohibition And Excise Act, lodged on 31.03.2023 by the informant Rajeev Ranjan Kumar.

As per the prosecution story, on secret information, the police reached the place of occurrence, one person escaped, *Chowkidar* named this petitioner.

Sixty pieces of 750 ML '*Whisky*' totaling 12 liters of foreign liquor was recovered/ seized. Accordingly the FIR.

It is the case of the petitioner that the alleged recovery



is from a ditch behind his house, and open place and only due to enmity the 'chowkidar' has named him.

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

Considering the fact that the, alleged recovery is from a ditch and in open place, FIR lodged and ultimately will have to face the trial, 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 Special Judge Excise Court No. 2, East Champaran at Motihari, connection with Madhuban P.S. Case No. 196 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 month for one year 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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