

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45286 of 2023

Arising Out of PS. Case No.-268 Year-2022 Thana- JALALPUR District- Saran

DEEPAK KUMAR S/O KRISHNA PRASAD R/O Village- S.G.S. Bangra,
P.S- Jalalpur, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Jalalpur P.S. Case No. 268 of 2022 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Act lodged on 30.09.2022 by the informant, Ritu Kumari.

As per the prosecution story, the police conducted raid, one person fled away and upon search, 60 litres country made liquor was found from the '*bushes*' near the canal. Accordingly, the FIR, the local people gave his name.

Learned counsel for the petitioner submits that the FIR itself shows that the alleged recovery is from open place (bushes) and only due to enmity, the locals have named him



because he has criminal antecedent of the same nature.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Considering the fact the recovery has been shown from the bushes near the canal and the petitioner has been named in the FIR and will have to face the trial, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of 2nd Exclusive Special Excise Judge (A.D.J.-10th), Saran at Chapra in connection with Jalalpur P.S. Case No. 268 of 2022 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 next one year to mark 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 the bail bonds.

With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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