

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45474 of 2023

Arising Out of PS. Case No.-282 Year-2017 Thana- DARIYAPUR District- Saran

RAJ KISHORE SINGH @ RAJ KISHOR SINGH SON OF RAMSURAT
SINGH RESIDENT OF VILLAGE- ARNIYAS, PS- JANDAHA, DIST-
VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-08-2023

Heard the parties.

The petitioner is apprehending his arrest in connection with Dariyapur P.S. Case No. 282 of 2017 for the offence under sections 30/30(a) of the Bihar Prohibition and Excise Act, 2018 lodged on 06.11.2017 by the informant, Mohan Yadav.

As per the prosecution story, the informant upon secret information, intercepted a truck standing where some people were unloading, who escaped on the sight of Police. Upon search, from 31 drums, 6200 liters of spirit was/were recovered/seized. Accordingly, the F.I.R.

The petitioner claims to be the owner of the truck having no knowledge of what is happening with the truck by the driver/cleaner. The further submission is that he do not have



criminal antecedent and without accepting the allegation and/or irrespective of the outcome of present case, the petitioner would like to contribute Rs. 50,000/- to Patna High Court Legal Services Committee.

Learned APP opposes the prayer stating that he is the owner of the truck.

Considering the fact that he was not present at the spot, had no knowledge about the developments i.e. being done by the driver of the vehicle and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 50,000/- as undertaken by the learned counsel for the petitioner.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge, 2nd-cum-1st Exclusive Special Judge (Excise), Chapra, Saran, in connection with Dariyapur P.S. Case No. 282 of 2017 subject to the conditions 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/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 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)

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