

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45651 of 2023

Arising Out of PS. Case No.-148 Year-2023 Thana- KHUSRUPUR District- Patna

1. Akhilesh Das Son Of Machhu Das Resident Of Village- Safipur, Ps-Khusrupur, Distt- Patna
2. Sunita Devi Wife Of Akhilesh Das Resident Of Village- Safipur, Ps-Khusrupur, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kr. Tiwari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-08-2023 Heard Mr. Suraj Kr. Tiwari, learned counsel for the
petitioner and the State.

The petitioners are apprehending arrest in connection with Khusrupur P.S. Case No. 148 of 2023 instituted under under Sections 30(a) of Bihar Prohibition and Excise Act lodged on 23.4.2023 by the informant, Rahul Dwivedi.

As per the prosecution story, the allegation is that the police upon information recovered/seized 21 liters of country made liquor from the possession of Bipin Das and 17 liters of country made liquor from the hut of the petitioner no.1 totalling 38 liters. Accordingly, the FIR.

It is the case of the learned counsel for the petitioners



that the hut is open having access and further both of them do not have criminal antecedents.

Learned APP opposes the prayer.

Considering the fact that the alleged recovery so far as 17 liters is concerned from an open hut and both of them do not have criminal antecedents, this Court is inclined to extend them the privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their 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) each with two sureties of the like amount each in connection with Khusrupur P.S. Case No. 148 of 2023 to the satisfaction of learned Exclusive Special Court, Excise, Patna City, Patna 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 petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 their



bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners 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 petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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