

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45258 of 2023

Arising Out of PS. Case No.-96 Year-2023 Thana- RIVILGANJ District- Saran

Arjun Ray Son Of Adalat Ray Resident Of Village- Chhota Brahmpur, Near
Pani Tanki, Ps- Bhagwan Bazar, Dist- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Bharti Rai, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2023 Heard Ms. Bharti Rai, learned counsel for the
petitioner and the State.

The petitioner is apprehending arrest in connection with Ravilganj P.S. Case No. 96 of 2023 instituted under under Section 414/34 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act lodged on 26.4.2023 by the informant, Kundan Kumar.

As per the prosecution story, the police upon information intercepted a tractor and a motorcycle while the two motorcyclist and tractor's driver were arrested, the others fled away. The apprehended persons named them and from the tractor, 276 liters of foreign liquor while from the motorcycle 24 liters of foreign liquor were recovered/seized.

Learned counsel for the petitioner submits that he was



not apprehended from the spot nor any vehicle is registered in his name and only because of the confession of those arrested, he has been implicated. She submits that only due to criminal antecedent, the petitioner has been implicated.

Learned APP opposes the prayer stating that his name has come in the confessional statement.

Considering the aforesaid facts/submission put forward by the learned counsel for the petitioner, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner 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 Ravilganj P.S. Case No. 96 of 2023 to the satisfaction of learned 2nd Exclusive Special Excise Judge, Saran at Chapra 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 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 co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

(v) 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;

(vi) 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.

(Rajiv Roy, J)

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