

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45599 of 2023

Arising Out of PS. Case No.-126 Year-2023 Thana- MAJORGANJ District- Sitamarhi

1. Pankaj Kumar Singh @ Pankaj Singh S/O Krishnandan Singh @ Krishan Dev Singh R/O Village- Kuari Madan Ward No. 1, Ps. Mejarganj, Dist. Sitamarhi
2. Sonu Singh S/O Krishnandan Singh @ Krishan Dev Singh R/O Village- Kuari Madan Ward No. 1, Ps. Mejarganj, Dist. Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-08-2023 Heard the parties.

The petitioners are apprehending their arrest in connection with Mejarganj P.S. Case No. 126 of 2023 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 06.05.2023 by the informant, Manoj Kumar Singh.

As per the prosecution story, the Police upon secret information, came to the place of occurrence but the accused persons managed to escape. Further, from a motorcycle, 15 liters of liquor and from a litchi garden, 161.400 liters totaling 176.400 liters of liquor was recovered/seized. Accordingly, the F.I.R.



Learned counsel for the petitioner submit that they do not own the motorcycle and further, they have a litchi garden and in such a huge garden, if someone has access to it and do mischief, the owner cannot be taken to task and their name has come only because of his implication earlier in the case of same nature.

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

Considering the aforesaid facts as also that the alleged recovery is from an open garden as also motorcycle which is not owned by the petitioners, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

Let the petitioners 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 Exclusive Special Excise Court No. 1, Sitamarhi, in connection with Mejarganj P.S. Case No. 126 of 2023 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 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 appear before the concerned police station every fortnight for next six months to mark their attendance;

(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.

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

(Rajiv Roy, J)

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