

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47862 of 2023

Arising Out of PS. Case No.-110 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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KAILASH RAI @ KAILASH KUMAR S/O JEEWACHH RAI R/O Village-
Parihatta (Laat Basepur), P.S- usrigharai, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2023 Heard the parties.

The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 110 of 2021 for the offence under sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 22.03.2021 by the informant, Ritu Kumari.

As per the prosecution story, upon information, the house of the petitioner was raided and from his cattle house, 25.02 liters of foreign liquor was recovered/seized. Accordingly, the F.I.R.

It is the case of the learned counsel for the petitioner that the alleged recovery is from a cattle house, which is an open place, he do not have criminal antecedent and has been implicated due to village rivalry.



Learned APP opposes the prayer.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also the fact that he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

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 Special Judge, Excise Court-2, Samastipur, in connection with Excise P.S. Case No. 110 of 2021 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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