

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47543 of 2023

Arising Out of PS. Case No.-863 Year-2022 Thana- KANTI District- Muzaffarpur

RAMAN KUMAR Son of Nand Lal Sah Resident of village - Damdarpur,
P.S. - Kanti, Distt. - Muzaffarpur Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Kanti P.S. Case No.863 of 2022 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Act lodged on 20.12.2022 by the informant, Vivekanand Singh.

As per the prosecution story, the house of the petitioner was raided, parents apprehended and 122.220 litres of foreign liquor was/were recovered. Accordingly, the FIR.

Learned counsel for the petitioner submits that it was a joint house, he had nothing to do with it, is a student. As parents have already suffered, the police is trying to implicate the entire family members and is ready to abide by all the terms and conditions, if granted relief.

Further, irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 25,000/- to the Bihar State Legal Services



Authority.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that he has criminal antecedent.

Learned Counsel for the petitioner submits that the police is after him and in every such occurrence, his name is dragged in.

Considering the fact that at the time of recovery/seizure the parents of the petitioner were arrested, it is a joint house, he is a student as stated by the learned Counsel for the petitioner, FIR lodged and will ultimately face the trial, this Court is inclined to extend him privilege of anticipatory bail subject to the payment of Rs. 25,000/- as undertaken by the learned Counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Court No. II, Muzaffarpur in connection with Kanti P.S. Case No. 863 of 2022 subject to condition 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 *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 month for next one year to mark 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 the bail bonds.

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

(Rajiv Roy, J)

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