

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47539 of 2023

Arising Out of PS. Case No.-48 Year-2023 Thana- PALASI District- Araria

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GOVIND HEMBRAM SON OF GANESH HEMBRAM RESIDENT OF
VILLAGE - MAHADEV KOL DHUMGADH WARD NO 14, CHAURI,
POLICE STATION - PALASI, DISTRICT - ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

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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 Palasi P.S. Case No. 48 of 2023 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Act lodged on 15.02.2023 by the informant, Sobrati Husain.

As per the prosecution story, the allegation is of recovery/seizure of 5 litres country made liquor from a plastic gallon and further 3 litres from two plastic bottles, totalling 8 litres of country made liquor. Accordingly, the FIR.

Learned counsel for the petitioner submits that his motorcycle was placed outside his home at an open place, he had no role to play in it, the police has unnecessary dragged him



in this case.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the recovery is from motorcycle which belongs to the petitioner.

Considering the fact that the motorcycle was parked at an open place, as stated by the learned Counsel for the petitioner, recovery is 8 litres of country made liquor, FIR lodged and ultimately he will have to face the trial and he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

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 2nd Additional Sessions cum Spl. Judge Excise, Araria in connection with Palasi P.S. Case No. 48 of 2023 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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