

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47843 of 2023

Arising Out of PS. Case No.-180 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

Mukadar @ Mukaddra Sah S/O Late Rafik Shah @ Rafiullah Sah R/O
Village- Nasirpur, Ps. Chandauli, Dist. Chandauli (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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

The petitioner apprehends his arrest in connection with Chainpur P.S. Case No.180 of 2023 instituted under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 23.06.2023 by the informant Pyare Ahmad Khan.

As per the prosecution story, the police during patrolling intercepted a Tata pick-up and during the course of search 691.030 foreign liquor in sixteen plastic bags were recovered/seized, the petitioner owns the vehicle. Accordingly, the FIR.

It is the case of the petitioner that on 20.06.2023 itself the vehicle was purchased and on 23.06.2023 he was informed by the driver that while the vehicle was being coming from



Varanashi has been seized and the police wanted money failing which the implication.

Although the petitioner owns the vehicle, his case is that the driver was using the same and he had little knowledge about the presence of any prohibited liquor in it. He has already suffered as on 20.06.2023 the vehicle was purchased and from 23.06.2023 has been seized.

Further, the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner on its own would like to contribute Rs.25,000/- towards the Bihar State Legal Service Authority through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner and he is the owner, the vehicle was being driven by the driver, this Court is inclined to grant him privilege of anticipatory bail subject to payment of Rs.20,000/- as undertaken.

Let the petitioner be released on anticipatory bail, in the event of his arrest or surrender before the Sub-ordinate court



within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Chainpur P.S. Case No.180 of 2023 to the satisfaction of learned Special Judge Excise No.1 cum ADJ, IV, Kaimur at Bhabua, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(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 will make himself available to the police as and when required in course of investigation;

(iii) 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;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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