

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47524 of 2023

Arising Out of PS. Case No.-260 Year-2022 Thana- KHODAWANDPUR District- Begusarai

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AJEET KUMAR S/O ANAND LAL MAHTO R/O Village- Khanpur
Madhutol, Ward No. 08, P.S- Khanpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Advocate
For the Opposite Party/s : Mrs. Asha Devi, 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 Khodawandpur P.S. Case No. 260 of 2022 for the offence under sections 420, 467, 468, 471, 120(B) of the I.P.C. and 30(a)/32(i)(ii)/36/41(1) of Bihar Prohibition and Excise Act, 2018 (Amended) lodged on 05.09.2022 by the informant, Sudin Ram.

As per the prosecution story, the informant upon information, reached the spot and found a truck, a pick-up van, a car and two motorcycles. Three persons were apprehended and from the vehicles concerned, 5392.44 liters of foreign liquor was recovered/seized and Subham Kumar gave the name of the petitioner and accordingly, his name has come.



It is the case of the learned counsel for the petitioner that due to enmity, Shubham Kumar gave his name, he had nothing to do with all the vehicles that were present at the spot. Further, he do not have criminal antecedent and one of the co-accused persons Sudhanshu Kumar has been granted privilege of anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 66458 of 2022.

Further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that the petitioner is ready to pay Rs. 50,000/- to the Chief Minister's Relief Fund.

Learned APP opposes the prayer stating that recovery is of 5392.4 liters of foreign liquor.

Considering the fact that alongwith the vehicles, the accused persons were apprehended, his name has come in the confession and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 50,000/- 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 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 Judge Excise-I, Begusarai, in connection with Khodawandpur P.S. Case No. 260 of 2022 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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