

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59868 of 2023

Arising Out of PS. Case No.-562 Year-2019 Thana- JAKKANPUR District- Patna

DAYANAND son of Sri Ganesh Prasad R/o- Village- Kusheshwar Asthan
Dist- Darbhanga P/A- Mohalla- Bigrahpur Ps- Jakkanpur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-10-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Jakkanpur P.S. Case No. 562 of 2019 for the offence registered under sections 30 (a) of the Bihar Prohibition and Excise (amendment) Act lodged on 26.08.2019 by the informant Krishna Bihari Singh.

As per the prosecution story, the allegation is that on secret information, the police tried to intercept a person but he escaped after throwing his bag. 750 ml of 4 bottles whisky were recovered/seized which followed the FIR.

Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession but his name has been picked up on the disclosure of the locals who



have enmity with him only because he has criminal antecedent. He further submits that irrespective of the outcome of the present case, he is ready to pay Rs. 5,000/- to the Chief Minister's Relief Funds.

Learned APP opposes the prayer for bail.

Taking into account the fact that noticing has been recovered from his conscious possession, name has come only on the disclosure of locals, FIR lodged and ultimately he will be facing the trial, this Court is inclined to grant him privilege of anticipatory bail subject to payment of Rs. 5000/- as stated above.

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, Patna in connection with Jakkanpur P.S. Case No. 562 of 2019 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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