

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59518 of 2023

Arising Out of PS. Case No.-1097 Year-2022 Thana- SUPAUL District- Supaul

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ABHISHEK ANAND Son of Sanjay Kumar Jha @ S.K. Resident of Village-
Ward No. 13, Kali Barav, P.S. and District-Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivek Kumar, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-10-2023

Heard the parties.

2. The petitioner is apprehending his arrest in connection with S.T. No. 989 of 2022 arising out of Supaul P.S. Case No. 1097 of 2022 for the offence under section 30(a) of Bihar Prohibition and Excise Act 2018 lodged on 26.11.2022 by the informant, Alamgir Ansari.

3. As per the prosecution story, on 25.11.2022, the informant Alamgir Ansari alongwith other police personnel left the police station for night patrolling when they saw light coloured Car coming. As stopped the car, the accuseds tried to escape but one of them fell down while other three people managed to escape taking the advantage of the darkness. Upon search, 750 ml foreign liquor (Royal Castle Blue Premium Whisky) was recovered from the driving seat. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that he



is the owner of the vehicle, was not present when the same was intercepted. It was taken by his neighbour, Vishal Kumar Mishra for which he is being made to suffer although he do not have criminal antecedent.

5. Learned APP opposes the prayer stating that he is the owner of the vehicle.

6. Taking into account the fact that at the time of interception of the vehicle, the petitioner was not there and he do not have criminal antecedent, nothing has been recovered from his conscious possession, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. 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 Court of Special Judge Excise Court No. 1, Supaul, in connection with S.T. No. 989 of 2022 arising out of Supaul P.S. Case No. 1097 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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