

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59471 of 2023**

Arising Out of PS. Case No.-53 Year-2023 Thana- TAJPUR District- Samastipur

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ARUN KUMAR S/o RAMCHANDRA MAHTO Resident of village - Reora,
P.S. - Khanpur, Distt. - Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Anu Priyadarshni, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-10-2023 Heard Ms. Anu Priyadarshni, learned counsel for
the petitioner and the State.

2. The petitioner is apprehending arrest in connection with Tajpur P.S. Case No. 53 of 2023 instituted under under Sections 120(B), 419, 420, 467, 468 of the Indian Penal Code and 30(c), 30(d), 30(g), 32, and 41 of the Bihar Prohibition and Excise Act lodged on 2.2.2023 by the informant, Nitu Kumari.

3. As per the prosecution story, the allegation is that upon information about presence of empty bottles of liquor in the court yard, the police officials left for village-Tajpur. On reaching there, accused persons tried to escape but were



apprehended. They were Md. Chand and Md. Gulshad. Further, there was recovery of 1909 empty bottles of different brand of wine/whiskey/liquor as also mobile phones.

4. Upon query, it was informed that they used to collect the empty bottles and sell it to the other accused persons who used to sell spurious by filling the bottles. The petitioner was also named by the arrested person.

5. It is the case of the petitioner that he has been wrongly implicated in the matter only because of criminal antecedent of same nature. He has absolutely nothing to do with the recovery of the empty bottles and the name has come in the confessional statement.

6. Mr. Jitendra Kumar Singh, learned APP opposes the prayer.

7. Taking into account the fact that empty bottles have not been recovered from his possession and the name has come in the confessional statement, this Court is inclined to grant him the privilege of bail.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with



two sureties of the like amount each in connection with Tajpur P.S. Case No. 53 of 2023 to the satisfaction of learned Special Judge Excise-2, Samastipur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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 co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every month for one year to mark his 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 his bail bonds.

(Rajiv Roy, J)

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