

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59875 of 2023

Arising Out of PS. Case No.-98 Year-2023 Thana- KORMA District- Sheikhpura

NAWAL RAM SON OF BACHCU RAM R/O VILLAGE BHADAUSI, P.S.
KORMA, DIST. SHEIKHPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-10-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Korma P.S. Case No. 98 of 2023 for the offence registered under sections 30 (a) (c) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 12.07.2023 by the informant Jagarnath Mahto.

3. As per the prosecution story, upon secret informant, reached near the post and saw two persons manufacturing liquor. Upon sight of the police personnel, they succeeded in escaping. Allegation is that upon search, 71 liters country made liquor was recovered/seized. Accordingly, the FIR.

4. It is the case of the petitioner that he has no role to play in the matter, he was not arrested from the spot. His last



submission is that there is no recovery from his possession.

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

6. Taking into account the submissions put forward by the learned counsel for the petitioner that neither the petitioner was apprehended from the spot nor anything has been recovered from his possession, this Court is inclined to grant him privilege of anticipatory bail.

7. 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 Exclusive Special Excise Judge, Sheikhpura in connection with Korma P.S. Case No. 98 of 2023 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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