

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59929 of 2023

Arising Out of PS. Case No.-603 Year-2022 Thana- MANER District- Patna

LALITA DEVI @ LALITA KUMARI W/O TUNTUN RAI @ TUNTUN
KUMAR R/O VILL- HRSHAMCHAK AKILPUR, PS- AKILPUR, DIST-
PATNA, AT PRESENT SHERPUR, PS- MANER, DISTY- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Niwas Prasad, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

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 Maner P.S. Case No. 603 of 2022 for the offence registered under sections 30 (a) of the Bihar Prohibition and Excise Act, 2016 lodged on 26.08.2022 by the informant Rajiv Ranjan.

As per the prosecution story, during patrolling, the police intercepted a *scooty*. The accused managed to escape leaving the *scooty* and from the said *scooty*, 40 liters country made liquor was recovered. As the *scooty* belongs to this petitioner, the FIR.

It is the case of the petitioner that he had parked the *scooty* at Dostnagar and had went for some work. Later came to



know that the police alleging 40 liters liquor recovery from the said *scooty* has lodged the FIR. Further he do not have criminal antecedent. The last submission is that irrespective of the outcome of the present case, he is ready to pay Rs. 5,000/- to the Patna high Court Legal Services Committee.

Mr. Damodar Prasad Tiwary, learned APP opposes the prayer stating that as the *scooty* belongs to him, he cannot absolved himself from the allegation.

Taking into account the submissions put forward by the learned counsel for the petitioner, he do not have criminal antecedent though *scooty* belongs to him and according to the submission put forward, it was parked in the public place as also nothing has been recovered from his conscious possession, 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 Excise Judgte, Danapur (Patna) in connection with Maner P.S. Case No. 603 of 2022, 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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