

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59841 of 2023

Arising Out of PS. Case No.-79 Year-2023 Thana- PUSA District- Samastipur

SHIVA NAND GANDHI @ SHIVA NAND GANDH @ GANDHI S/O
SHYAM KUNAR SUMAN RESIDENT OF VILLAGE- THRAHA
GOPALPUR, P.S- WAINI O.P., DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh

For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 06-10-2023 Heard learned counsel for the petitioner and learned
APP for the State,

2. The petitioner apprehends his arrest in connection with Pusa P.S. Case No. 79 of 2023, for the offence registered under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018, lodged on 25.06.2023, by the informant, Umesh Kumar Mandal.

3. As per the prosecution story, the police upon secret information intercepted an Alto car. Though the accused persons managed to escape, the Chowkidar named them, the petitioner being one of them. Further, 82.500 litres of foreign liquor has been recovered from his possession. Accordingly, the F.I.R.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to enmity with Chowkidar. Nothing has been recovered from the conscious possession of the petitioner and further he do not have criminal antecedent.

5. Learned APP for the State opposes the prayer for bail.

6. Taking into the aforesaid fact that the petitioner does not have criminal antecedent and nothing has been recovered from his conscious possession of the petitioner, this Court is inclined to extend him the 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 Special Excise Court-I, Samastipur, in connection with Pusa P.S. Case No. 79 of 2023, subject to condition as laid down under Section 438(2) of the Cr.PC with further condition that :-

(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/her 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 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 his 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.

(Rajiv Roy, J)

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