

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59642 of 2023

Arising Out of PS. Case No.-287 Year-2022 Thana- PIPRA District- Supaul

DINESH KUMAR Son of Tilo Mandal Resident of Village-Kataiya Mahe
Ward No. 7, Police Station-Pipra, District-Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Veena Kumari Jaiswal, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-10-2023 Heard the parties.

2. The petitioner is apprehending arrest in connection with Pipra P.S. Case No. 287 of 2022 instituted under under Section 30(A) of the Bihar Prohibition and Excise Act lodged on 26.9.2022 by the informant, Kaushik Kumar.

3. The prosecution story, in brief, is that on 26.09.2022 at about 4 P.M. while the informant was on patrolling duty alongwith police constables and in course of checking the vehicles, he saw a motorcycle coming from Nirmali side. When it was asked to stop, the rider fled away leaving the motorcycle. Later, upon search of the motorcycle, a bag containing 16 pieces of bottles was 180 ML wine (total quantity 2.88 litres) was recovered/seized and seizure-list was prepared. Thus, the FIR.



4. Learned counsel for the petitioner submits that he was not present at the spot, being working at Chennai, his son-in-law, Suman had taken the motorcycle and he only being owner has been implicated.

5. Learned APP opposes the prayer for bail.

6. Considering the submissions put forward by the learned counsel for the petitioner as also the fact that nothing has been recovered from his conscious possession, he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

7. 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 Pipra P.S. Case No. 287 of 2022 to the satisfaction of learned Additional District and Sessions Judge-IV-cum-Special Judge Excise, Supaul 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 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.

(Rajiv Roy, J)

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