

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59649 of 2023

Arising Out of PS. Case No.-34 Year-2020 Thana- MADANPUR District- Aurangabad

Dinesh Kumar Son Of Ramsawaroop Yadav Resident Of Village - Muriyal,
P.S. - Barachatti, District – Gaya Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Mukul Kumari, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-10-2023 Heard Mrs. Mukul Kumari, learned counsel for the

petitioner and the State.

2. The petitioner is apprehending arrest in connection with Madanpur P.S. Case No. 34 of 2020 instituted under under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 19.2.2020 by the informant, Suresh Prasad Yadav.

3. As per the prosecution story, 19.2.2020, the informant was checking the vehicle and reached near the Khiriyawan crossing, when he got a secret information that a person was coming towards Amas with illicit liquor to sale it. Further, he saw a person riding on a motorcycle. He tried to escape but was apprehended. He disclosed his name as Vishwanath Kumar. Upon search of the aforesaid motorcycle, total 15 liters of country made liquor was recovered/seized. Seizure list prepared and the FIR lodged.

4. The petitioner owns the motorcycle.



5. Learned counsel for the petitioner submits that the said motorcycle for which he has been implicated was already sold to Amarnath Kumar on 10.7.2019 and he had also put in his signature to it which is part of the petition as Annexure-2. It is the further submission that as the purchaser failed to get the name transferred, it resulted into his implication.

6. Learned APP opposes the prayer for bail stating that the motorcycle seized is in his name.

7. Considering the facts on record, the submission put forward by the learned counsel for the petitioner as stated above as also that he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory 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 Madanpur P.S. Case No. 34 of 2020 to the satisfaction of learned Special Judge, Excise Court No. 1, Aurangabad 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 fortnight for next six months 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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