

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59504 of 2023

Arising Out of PS. Case No.-188 Year-2023 Thana- BARSOI District- Katihar

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RAJ KUMAR DAS S/O LATE BUDHU DAS R/O VILLAGE- MAYEL
BASA, PS. BARSOI (SUDHARI OP), DIST. KATIHAR Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-10-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Barsoi (Sudhani OP) P.S. Case No. 188 of 2023 for the offence registered under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 11.06.2023 by the informant, Raju Ram.

3. As per the prosecution story, on 11.6.2023 when the police party reached Dudhamuni chock, the informant received secret information that the petitioner is going his house with country made wine in a bag. When the police tried to intercept, the petitioner fled away throwing away the bag on the road. Local '*chowkidar*' disclosed the name of the petitioner. It is further stated that in presence of witnesses total 36 Litres wine/recovered from the bag. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that the



recovery is not from his conscious possession rather from the road though he concedes that the petitioner has criminal antecedent. Further the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner intends to pay Rs. 5,000/- on his own to the Chief Minister's Relief Fund.

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

6. Taking into account the fact that there has not been any recovery from his conscious possession, his name has come in the information of the '*chawkidaar*' and will be diligently appearing in the trial, this Court is inclined to extend him privilege of anticipatory bail subject to the payment of Rs. 5,000/- as undertaken by the learned Counsel for the petitioner.

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 Judge, Excise Court no. 2, Katihar in connection with Barsoi (Sudhani OP) P.S. Case No. 188 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;

8. With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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