

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59926 of 2023

Arising Out of PS. Case No.-426 Year-2022 Thana- KORHA District- Katihar

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NAND LAL SAH son of Kare Sah Village- Falka Ps- Falka Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

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

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

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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 Korha P.S. Case No. 426 of 2022 for the offence registered under sections 30(a) and 37(2) of the Bihar Prohibition and Excise Act lodged on 25.09.2022 by the informant Hari Prasad Yadav.

As per the prosecution story, the police on secret information reached near Durga Temple and intercepted two persons on motorcycle and recovered 10 liters countrymade liquor. Accordingly, the FIR.

Learned counsel for the petitioner submits that his name has come because the motorcycle belongs to him which was taken away by his relative, Bhola Sah and accordingly, he



has been dragged in this case as Bhola Sah and Raj Kumar were apprehended from the spot. He further submits that irrespective of the outcome of the present case, he is ready to pay Rs. 2,000/- to the Chief Minister's Relief Funds.

Learned APP opposes the prayer for bail stating that the motorcycle belongs to him.

Taking into account the submissions put forward by the parties, the recovery has been attributed to Bhola Sha and Raj Kumar and he do not have criminal antecedent, this Court is inclined to grant him privilege of bail, subject to payment of Rs. 2000/-, 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 A.D.J. Exclusive Special Excise Judge Court No. 2, Katihar in connection with Korha P.S. Case No. 426 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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