

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61000 of 2023

Arising Out of PS. Case No.-36 Year-2023 Thana- Excise P.S. District- Rohtas

Satendra Dom @ Gabbar Son Of Ashok Dom Resident Of Village Dalelganj
Ps Sasaram (T) Dist Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashikant, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Excise P.S. Case No. 74 of 2023 arising out of Excise P.S. F.I.R.
No. 36 of 2023 dated 18.01.2023 instituted for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Act.

3. The allegation is of recovery of 300 litre illicit
chulai liquor from the garbage near Bajranj Bali temple. It is
alleged in the F.I.R. that as per the nearby people, the said
recovered liquor belonged to the petitioner and other two
persons.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this



case. It is further submitted that petitioner has been named in this case only on the basis of criminal antecedents of the petitioner. Learned counsel for the petitioner submits that said liquor was recovered from garbage near the temple. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged liquor or place of occurrence. Learned counsel for the petitioner submits that similarly situated co-accused, namely, Anil @ Anil Sonkar has been granted anticipatory bail vide order dated 24.08.2023 passed by a co-ordinate Bench of this Court in Criminal Miscellaneous No. 45780 of 2023. Lastly, it has been submitted that petitioner has two criminal cases against him.

5. Petitioner is agreed to deposit a sum of Rs. 10,000/- (ten thousand rupees) in Patna High Court Legal Services Committee, Patna, bearing Account No. 1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna, before furnishing bail bond in the court below.

6. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of



six weeks from today, in connection with Excise P.S. Case No. 74 of 2023 read with Excise P.S. F.I.R. No. 36 of 2023, District Rohtas, he will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No. 1, Rohtas at Sasaram subject to condition as laid down under Section 438(2) of the Cr.P.C, as well as the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner are made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of



misuse.

IV. If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

8. The bail bond of the petitioner shall be accepted by the learned court below on showing receipt of deposit of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Khatim Reza, J)

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