

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59827 of 2023

Arising Out of PS. Case No.-115 Year-2023 Thana- GORAUL District- Vaishali

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MUKESH KUMAR S/O DEVENDRA RAY R/O VILLAGE-
DOBARKOTHI (BISHANPUR SAID), PS. RAJAPAKAR, DIST.
VAISHALI Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.Bishweshwar Ram

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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 Gorul (Kathara O.P.) P.S. Case No. 115/2023 for the offence registered under sections 414 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Amendment Act lodged on 21.03.2023 by the informant Jay Prakash

As per the prosecution story, the police intercepted a car and recovered 62.97 liters English wine. One Ravi Ranjan was arrested and he named the escaped persons as Rajiv Ranjan and Anil Kumar. Accordingly, the FIR.

The name of the petitioner has come in the investigation as the car belongs to him.

Learned counsel for the petitioner with the support of



Annexure-2 submits that prior to the date of occurrence (20.03.2023) the car was already sold to one Dipak Kumar on 04.01.2021. As he failed to transfer the name, the petitioner has been implicated. He further submits that irrespective of the outcome of the present case, he intends to pay Rs. 5,000/- to the Chief Minister's Relief Funds.

Learned APP for the State opposes the prayer for bail.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also that he has sold the car and the document in support thereof has already been annexed with the petition and do not have criminal antecedent, this Court is inclined to extend him privilege of bail subject to payment of Rs. 5,000/- 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 Exclusive Special Excise Court No. 1 cum Additional District and Sessions Judge, Vaishali at Hajipur in connection with Gorul (Kathara O.P.) P.S. Case No. 115 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;

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

(Rajiv Roy, J)

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