

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61734 of 2023

Arising Out of PS. Case No.-485 Year-2023 Thana- RAMKRISHNANAGAR District- Patna

VIKKI KUMAR @ MUKESH KUMAR son of Late Shiv Muni Gope
Village- Asshochak Ps- Ram Krishna Nagar Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dipak Kumar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-10-2023

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Ram Krishna Nagar P.S. Case No. 485 of 2023 for the offence under sections 30(a) of Bihar Prohibition and Excise Act lodged on 03.08.2022 by the informant, Kundan Kumar.

3. As per the prosecution story, the Police upon information, reached near Shiv Mandir where he found persons trying to escape after throwing the bag. Upon search, 7.5 liters English wine was seized/recovered. The locals gave the name of the petitioner. Accordingly the FIR.

4. It is the case of the petitioner that nothing has been recovered from his possession, he do not have criminal antecedent and further due to enmity, his name has come.



5. Further, the submission is that without accepting the allegation, the petitioner intends to deposit Rs. 5,000/- with the Patna High Court Legal Services Committee.

6. Learned APP opposes the prayer.

7. Taking into account the fact that nothing has been recovered from his conscious possession and the recovery is from the bag, he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 5,000/- as undertaken by the learned counsel for the petitioner to be deposited with the Patna High Court Legal Services Committee.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Patna, in connection with Ram Krishna Nagar P.S. Case No. 485 of 2023 subject to the conditions 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/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 appear before the concerned police station every fortnight for next six months to mark his 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 his bail bonds.

9. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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