

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 61972 of 2023

Arising Out of PS. Case No.-1090 Year-2022 Thana- DANAPUR District- Patna

BHOLA RAI SON OF AMARNATH RAI RESIDENT OF VILLAGE-
CHHIHANTAR, PS- MANER, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Madhura Nand Jha, 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 Danapur P.S. Case No. 1090 of 2022 for the offence under sections 30(a) of Bihar Prohibition Liquor and Excise Act lodged on 12.10.2022 by the informant, Vijay Kumar Singh.

3. As per the prosecution story, the allegation is that the Police upon patrolling duty came to know about the presence of liquor, reached the house of one Sanjay. One person managed to escape from the roof of the house. The house owner, Sanjay was apprehended alongwith 126 liters of illicit foreign liquor. He named the petitioner as the person who escaped. Accordingly the FIR.

4. Learned Counsel for the petitioner submits that recovery admittedly is from the house of Sanjay, nothing has been recovered from his conscious possession and only due to



his criminal antecedent, he has been implicated.

5. Further, the submission is that without accepting the allegation, the petitioner intends to deposit Rs. 15,000/- with the Patna High Court Legal Services Committee.

6. Learned APP opposes the prayer stating that he has been named by the person who was arrested.

7. Taking into account the fact that the recovery is from the house of Sanjay who was arrested from the spot, the name of the petitioner has come in the confessional statement of Sanjay, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 15,000/- 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 Excise Judge, Danapur, in connection with Danapur P.S. Case No. 1090 of 2022 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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