

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65714 of 2023

Arising Out of PS. Case No.-303 Year-2023 Thana- SHAHPUR District- Bhojpur

=====

RAMNATH CHOUDHARY S/O MUNSI BIN R/O VILLAGE- HORIL
CHHAPRA, P.S- SHAHPUR, DISTT.- BHOJPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Dashrath Mehta, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 08-12-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Shahpur P.S. Case No. 303 of 2023 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 lodged on 09.07.2023 by the informant, Rajendra Kumar Singh.

3. As per the prosecution story, upon information the police reached the place, intercepted a *Scooty*. The person concerned escaped and from the *Scooty* 20 litres country made liquor recovered/seized. As the petitioner is the owner of the *Scooty*, his name has come. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that he is an old man, only because he owned the *Scooty*, he has been



implicated and he has given his *Scooty* to Arun Kumar who had gone to purchase medicine but in between the FIR was lodged.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Considering the aforesaid submissions put forward by the learned Counsel for the petitioner as also that he is 65 years of age, this Court is inclined to extend him privilege of anticipatory bail.

7. 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-2nd, Bhojpur, Ara in connection with Shahpur P.S. Case No. 303 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 fortnight for next six months 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;

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

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

