

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.238 of 2023

Arising Out of PS. Case No.-166 Year-2021 Thana- BITHAN BAZAR District- Samastipur

DEVGAURA KUMAR Son of Umesh Yadav Resident of Village - Bhuidhar,
P.S.- Bithan, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Yadav, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with Bithan P.S. Case No. 166 of 2021 instituted under Sections 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution story, the police upon information that the accused persons including the petitioner herein have brought huge quantity of foreign liquor by the truck , kept in the premises of Middle School, Banbhaura and are selling it. Accordingly, the police reached there and in the light of the vehicle claims to have identified the petitioners and other co-accused who however managed to escape. Thereafter, from Tata Pickup van, car and the motorcycle, the police recovered altogether 1080 litres of foreign liquor. Accordingly, seizure list prepared and the FIR was lodged.



Learned counsel for the petitioner submit that the petitioner do not have any role to play in this case and only because he is in a bad term with the police, they have been illegally implicated and it is hard to believe that in a police vehicle light, they identified all the accused persons including the petitioners herein. He further submits that the petitioner do not have criminal antecedent and one of the similarly placed co-accused, Raj Kishore Yadav has since been granted the relief of anticipatory bail vide Cr. Misc. No. 17898 of 2022 on 25.8.2022.

The last submission is that irrespective of the result of this case, the petitioner would like to contribute Rs. 50,000/- towards Patna High Court Legal Services Committee, A/C-1413010060836.

Learned APP on the other hand opposes the prayer of bail.

Taking into account the aforesaid facts, this Court is inclined to grant him privilege of anticipatory bail subject to payment of Rs. 50,000/-, as stated above.

If however, it is found that he do have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail, in the event of



his arrest or surrender before the subordinate court 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 the like amount each in connection with Bithan P.S. Case No. 166 of 2021 to the satisfaction of learned Special Judge Excise Court-1, Samastipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with further conditions :

(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 co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next one year to mark his attendance;

(v) 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;

(vi) 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.

(Rajiv Roy, J)

Ajay Singh/-

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