

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70426 of 2023

Arising Out of PS. Case No.-310 Year-2023 Thana- BAIKUNTHPUR District- Gopalganj

Anil Rai @ Anil Kumar, aged about 27 years, Male, son of Lalan Rai, resident of village -Baharampur, PS- Baikunthpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Baikunthpur PS Case No.310 of 2023 dated 01.09.2023, instituted under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Allegation is of recovery of 2000 liters spirit from the pickup van bearing registration no. WB-41E-5234. It is alleged that 5-6 persons were standing in front of pickup van and on seeing the police party they fled away. The local *chaukidar* disclosed the name of the persons, who fled away, whose names have been mentioned in the FIR including the petitioner.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner was not apprehended from the place of occurrence and nothing has been recovered from the conscious possession of the petitioner. It is further submitted that the petitioner has no concern either with the spirit or with the pickup van. It is also submitted that two criminal cases are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge- II cum Special Excise Court No.1, Gopalganj, in Baikunthpur PS Case No.310 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one



of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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