

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72810 of 2022

Arising Out of PS. Case No.-249 Year-2022 Thana- KALYANPUR District- East Champaran

DHIRAJ SINGH @ DHEERAJ KUNWAR Son of Ajay Singh @ Ajay
Kunwar Resident of Village- Dilawarpur, Kashawa Tola, P.S.- Kesariya,
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-01-2023 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

The petitioner apprehends his arrest in connection
with Kalyanpur P.S. Case No.249 of 2022 instituted under
Sections 30(a) and 41(i) of the Bihar Prohibition & Excise Act.

As per the prosecution story, the police got
information about selling of liquor by the accused persons
including the petitioner herein and upon reaching the place
although the accused escaped, on search 224.64 liters of foreign
liquor was/were recovered. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that
recovery is near a banana orchard which does not belong to him
and he has simply been implicated despite the fact that he do not



have criminal antecedent. The last submission is that irrespective of the outcome of the present case, would like to contribute Rs.25,000/- in the account of Patna High Court Legal Service Committee bearing Account No.1413010060836.

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

Taking into account the aforesaid fact that petitioner do not have criminal antecedent, recovery is from banana orchard which according to the learned counsel does not belonged to the petitioner and ultimately he will have to face the trial, this Court is inclined to grant him privilege of anticipatory bail subject to payment of Rs.25,000/- as stated above.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Kalyanpur P.S. Case No.249 of 2022 to the satisfaction of learned Exclusive Special Excise Court No.1, East Champaran at Motihari, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(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 will make himself available to the police as and when required in course of investigation;

(iii) 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/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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

