

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73045 of 2022

Arising Out of PS. Case No.-618 Year-2022 Thana- DAUDNAGAR District- Aurangabad

RAJESH PRASAD @ BICHCHHI Son of Dudhnath Sah Resident of village -
Maulabagh, Ward No.- 25, P.S.- Daudnagar, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

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

State through video conferencing in view of the Covid-19.

The petitioner apprehends his arrest in connection with Daudnagar P.S. Case No. 618 of 2022 instituted under Sections 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution story, the police in course of patrolling received information about sale of liquor and reached the place. On the sight of the police, the accused managed to escape and on inquiry, the local persons disclosed the names of the accused persons. Further, upon search under the sand, total 20.91 litres of foreign liquor was recovered/seized. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that



the said recovery is in front of his house under the sand which under no circumstance, can be attributed to him and only because of his criminal antecedent, he has been implicated in this case. Further, the disclosure/confession has nothing to do in the matter considering the fact that the seizure is outside his own house and under the sand.

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

Taking into account the aforesaid facts as also that the alleged recovery/seizure is not from the house of the petitioner rather under the sand opposite his house which is a common place and further he will be available to the police as and when required in course of investigation, this Court is inclined to grant him privilege of anticipatory bail.

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 Daudnagar P.S. Case No. 618 of 2022 to the satisfaction of learned Special Judge Excise-II,



Aurangabad, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with the following conditions :

(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 before 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 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)

Prakash Narayan
Ajay Singh/-

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