

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72548 of 2022

Arising Out of PS. Case No.-193 Year-2022 Thana- BAHADURPUR District- Patna

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DHEERAJ KUMAR S/o Suresh Sahni R/o mohallah- Bahadurpur
Jhoparpatti, P.S.- Bahadurpur, District- Patna Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bishwa Bijay Kumar, Adv.

For the Opposite Party/s : Mr.Nirmala Kumari, APP

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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 Bahadurpur P.S. Case No. 193 of 2022 instituted under Sections 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

As per the prosecution story, on secret information about selling of country made wine near Kisan Cold Storage Bahadurpur Bazar Samitee, they reached and saw some persons trying to escape. Upon search, 30 litre country made Mahua wine was/were recovered/seized. Accordingly, the FIR was lodged.

The police came to know about the involvement of amongst other the petitioner herein following which he found himself implicated in this case.

Learned counsel for the petitioner submits that he had



nothing to do with the alleged recovery of the Mahua and only because he was implicated in the case earlier, he has been dragged in this case too and is ready to abide by all the terms and conditions, if granted the privilege of anticipatory bail.

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

Taking into account the aforesaid facts as also that nothing incriminating has been found from his house, the allegation is of recovery of 30 litres 'Mahua', will be cooperating in the 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 Bahadurpur P.S. Case No. 193 of 2022 to the satisfaction of learned Exclusive Special Judge, Excise, Patna City, 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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