

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73029 of 2022

Arising Out of PS. Case No.-369 Year-2022 Thana- DARIYAPUR District- Saran

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ARNAV Son of Sri Mahesh Kumar R/V- Nirpur Lalpura, Near Shiv Temple,
P.O- Baruane, P.S- Bhadaur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyadarshi Matri Sharan, Advocate

For the Opposite Party/s : Mr. Asha 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

learned APP for the State through virtual mode in view of

COVID-19.

The petitioner apprehends his arrest in connection
with Dariyapur P.S. Case No.369 of 2022 instituted under
Sections 420,120B of the IPC and 30(a),32,38 & 41 of the Bihar
State Excise and Prohibition Act, 2018.

As per the prosecution story, on information that two
cars coming from Parsa side are carrying liquor, the police
started vehicle checking and in course whereof, one Dzire and
an Indigo cars were intercepted and the accused persons were
apprehended. A total of 109.5 liters of foreign liquor of different



brands were recovered/seized. As per the accused persons they were following the order of amongst other the petitioner herein. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that his name has come in the confession of accused Rohit Kumar but to the best of his information no separate confessional statement is part of the record. Further, he do not have criminal antecedent and 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, his name has come in the confessional statement ultimately 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 Dariyapur P.S. Case No.369 of 2022 to the satisfaction of learned Additional District & Sessions Judge, IInd-cum-Exclusive Special Judge, Excise, I, Chapra, Saran 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
/Ajay Singh

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