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IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73498 of 2022

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

BAM SHANKAR KESHRI S/o Late Gauri Shankar Keshri R/o - G-2 Block,
South Mandiri, P.S.- Buddha Colony, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyadarshi Matri Sharan, Advocate
For the Opposite Party/s : Mr.Rajendra Nath Jha,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of the
COVID 19.

The petitioner apprehends his arrest in connection
with Dariyapur P.S. Case No. 369 of 2022 for the offence
registered under Sections 420, 120B of the Indian Penal Code
and Section 30(a), 32, 38 and 41 of the Bihar State Excise and
Prohibition Act, 2018.

As per the prosecution story, the police upon
information started checking and in the process intercepted two
four wheeler (a Dezire and an Indigo) and altogether 109.5 litres
English liquor of different brands were recovered from both the



vehicles. On interrogation, they took the name of the petitioner herein as also other accused persons that they were going to supply the liquor.

Learned counsel for the petitioner submits that the petitioner was neither present on spot nor any incriminating article has been recovered from his active possession. Even the seizure list does not name this petitioner nor the seized articles [Cars, Liquors or Phones with SIM Cards], in any way, indicate or reveal to be belonging to the petitioner.

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

Considering the aforesaid fact that the two vehicles does not belong to him, his name has only come in the confessional statement coupled with the fact that he do not have criminal antecedent and ultimately will have to face the trial, this Court is inclined to grant him privilege of anticipatory bail with conditions.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District



and Sessions Judge-II-cum-Exclusive Special Judge, Excise-I, Chapra, Saran in connection with Dariyapur P.S. Case No. 369 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C with further 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 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;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) 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;

(v) 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;

(vi) the petitioner (s) shall co-operate in the



investigation and made himself available to the police as and
when required.

(Rajiv Roy, J)

Jagdish/Neha/-

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