

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73845 of 2022

Arising Out of PS. Case No.-408 Year-2022 Thana- BARH District- Patna

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DHARMVER KUMAR SINGH @ DHARMVEER SINGH S/O LATE
KARAN SINGH @ LATE ARVIND SINGH Resident of Village- Sadikpur,
P.S.- Barh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr.Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-02-2023 No one appears on call.

Heard learned APP for the State through video
conferencing in view of the COVID 19.

The petitioner apprehends his arrest in connection
with Barh P.S. Case 408 of 2022 for the offence registered under
Sections 30(a) of Bihar Prohibition and Excise Amendment
Act.

As per the prosecution story, when the police reached
near the Mango garden, some accused persons managed to flee
away and allegation is that 9 liters country-made '*mahua*' was
recovered/seized. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that as per
the FIR, 9 liters country made '*mahua* wine was recovered
under the mango garden which does not belong to the petitioner.
Therefore, it is clear that the petitioner has no knowledge
regarding the recovered wine.



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

Considering the allegation that has come against the petitioner as also the fact that the mango garden does not belong to the petitioner coupled with the fact that he do not have criminal antecedent, this Court is inclined to extend 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 Court of learned Special Judge, Excise, Barh (Patna) in connection with Barh P.S. Case No. 408 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 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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