

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73309 of 2022**

Arising Out of PS. Case No.-67 Year-2022 Thana- GADHPURA District- Begusarai

SHIVAM KUMAR @ SHIVAM SINGH S/o Krishna Kumar Singh @
Shambhu Singh R/o Village- Ekamha, P.S.- Chouraha (Khodabandpur OP),
Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha,Advocate
For the Opposite Party/s : Mr.Parmanand Prasad,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 Garhpura P.S. Case No. 67 of 2022 for the offence
registered under Section 30(a) of Bihar Prohibition and Excise
Act.

As per the prosecution story, the police upon
information, intercepted a loaded truck and upon search,
1877.76 litres foreign liquor was recovered/seized. One person
was apprehended who disclosed his name as Raushan Kumar @



Chimpu and gave the name of those who escaped, petitioner being one of them. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that he is not the owner of the vehicle and nothing to do with the recovered/seized articles and only on the basis of the confessional statement, he has been made an accused. It is his further submission that irrespective of the outcome of the result of the present case, he intends to deposit Rs. 50,000/- through Demand Draft issued by the local State Bank of India to the Patna High Court Legal Services Committee.

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

Considering the fact that the petitioner has not been arrested from the spot, the vehicle does not belong to him, his name has come in the confessional statement and ultimately he has to face the trial, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 50,000/- as stated above.

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 Exclusive Special Judge Excise 1st Begusarai in connection with Garhpura P.S. Case No. 67 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 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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