

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73327 of 2022

Arising Out of PS. Case No.-299 Year-2022 Thana- PATNA CITY CHOWK District- Patna

AYUSH KUMAR Son of Vashisth Narayan Trivedi Resident of Village - Khaiech, P.S.- Bakhtiyarpur, District - Patna at present C/o Babul Singh, Road No.- 3, Dipnagar, P.S.- Mehdiganj, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samrendra Kumar Jha, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, 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 Chowk P.S. Case No. 299 of 2022 for the offence registered under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

As per the prosecution story, a motorcycle was found parked behind G.R. Infra near Kaimashikoh, Patna and from the plastic bag 49 litres country made liquor was recovered/seized. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and on the basis of the seized



motorcycle, his name surfaced as he was the owner of alleged motorcycle.

He further submits that it is worth to mention here that the alleged motorcycle was stolen on 16.07.2022 for which an FIR was also instituted on 18.07.2022 bearing Mehdiganj P.S. Case No. 108 of 2022 by this petitioner. It is further submitted that petitioner approached police on the day of theft of motorcycle but police lodged it on 18.07.2022. It is further submitted that petitioner has no concern with the alleged illegal work and not concerned with alleged recovery anyway.

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

Taking into account the fact that the recovery is from the motorcycle which according to the petitioner was stolen and FIR to this effect was also lodged, the petitioner 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 Exclusive Special



Judge, Excise, Patna City in connection with Chowk P.S. Case No. 299 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)

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