

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74424 of 2022

Arising Out of PS. Case No.-206 Year-2022 Thana- BHARGAMA District- Araria

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BISHWAJIT DAS @ BISHO DAS @ BISA DAS Son of Late Tarni Das
Resident of Village - Tonha, Bishahriya Patti, Ward No.- 2, P.S.- Bhargama,
District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-02-2023 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 Bhargama P.S. Case No.206 of 2022 instituted under
Section 30(a) of Bihar Prohibition and Excise act, 2016.

As per the prosecution story, the police
recovered/seized 32 liters of countrymade liquor behind the
betel shop of the petitioner and accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that he had
no concern with the seized liquor and the same has not been
recovered from his conscious possession.

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



Considering the fact that the recovery is behind the betel shop and not from the said 'Gumti' itself, he do not have criminal antecedent, as stated in para-3, this Court is inclined to grant him privilege of bail.

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 Bhargama P.S. Case No.206 of 2022 to the satisfaction of learned Exclusive Special Judge, Excise-II, Araria, 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 /-

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