

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73347 of 2022

Arising Out of PS. Case No.-1258 Year-2022 Thana- NAWADA District- Nawada

BIBI SHANKAR KUMAR Son of Mithilesh Singh R/V- Dhanwara, P.S-
Akbarpur, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad,Advocate
For the Opposite Party/s : Mr.Parmanand Kumar,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 Nawada Town P.S. Case No. 1258 of 2022 for the offence
registered under Section 30(a) of the Excise Act.

As per the prosecution story, the informant got secret
information about the person coming on motorcycle with illicit
liquor. As he was intercepted, he tried to escape. On search,
from the motorcycle 8.5 litres of illicit liquor was
recovered/seized. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that one
Vijay Kumar who took the motorcycle to purchase the medicine
and in the process, he did the illegal work for which the



petitioner being the owner of the vehicle, has being implicated.

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

Considering the aforesaid submission made by the learned counsel for the petitioner as also in view of the fact that the FIR has been lodged and ultimately he will have to face the trial, 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 Excise Court 1st Nawada in connection with Nawada Town P.S. Case No. 1258 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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