

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74187 of 2022

Arising Out of PS. Case No.-288 Year-2022 Thana- JAGDISHPUR District- Bhojpur

PRASHANT KUMAR SINGH @ HANNY THAKUR @ HANNY S/O
Devendra Kumar Singh @ Devendra Pratap Singh R/O Village- Sadalpura
Chandana P.S- Alinagar Dist- Chandauli (UP)

... .. 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.Md. Anbzarul Haque Sahara, APP

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 Jagdishpur P.S. Case No.288 of 2022 instituted under
Sections 30(a), 32(i)(ii), 36, 38, 41 of Bihar Prohibition and
Excise Act, 2018.

As per the prosecution story, the police in course of
patrolling got information about movement of a truck carrying
liquor from Mohania to Ara and accordingly intercepted the
truck and allegation is of recovery of 2607 liter of foreign
liquor. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that he is
not a owner of the seized truck bearing Regn. No.HR61D 4325



rather the owner is one Sunil Kumar son of Santoo Ram. Allegation against the petitioner is that he sent the liquor allegedly from the Haryana, is a young boy who never lived at the Haryana. His village is in UP State and on suspicion, the police has also added the name of the petitioner in the present case. The further submission is that irrespective of the outcome of the present petition, the petitioner on instruction has informed that he intends to deposit Rs.50,000/- to the Patna High Court Legal Services Committee through Demand Draft issued by the local State Bank of India branch.

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

Considering the fact that the petitioner is not the owner of the said truck, rather the same belongs to one Sunil Kumar, the vague allegation is that he sent liquor from Haryana, is a young boy, a chance may be given to him to reform himself and ultimately he will have to face the trial, this Court is inclined to grant him privilege of bail subject to payment of Rs.50,000/- as stated above.

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.25,000/-(Rupees Twenty Five Thousand) each with two sureties of the like amount each in connection with Jagdishpur P.S. Case No.288 of 2022 to the satisfaction of learned Exclusive Special Judge Court No.1, Bhojpur at Ara, subject to the conditions 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 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 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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