

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74168 of 2022

Arising Out of PS. Case No.-15 Year-2019 Thana- PATEPUR District- Vaishali

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KAMAL KUMOD Son of Kamal Kishore Singh @ Krishna Chandra Singh
R/v- Chakhabib, P.O.- Gangapur, P.S.- Mushrigharari, Dist- Samastipur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.II, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, 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 Patepur P.S. Case No.15 of 2019 instituted under Sections
30(a),32(ii), 38(ii), 41(i) of the Bihar Prohibition and Excise
Act, 2018.

As per the prosecution story, upon secret information
that big consignment of illicit liquor is being brought near a mill
to be transported to different place on motorcycle, tractor and
other vehicles, the police reached the place. The accused
persons escaped in the cover of darkness and altogether 756.36
liters of foreign liquor were recovered/seized from the place of
occurrence. Further, four motorcycles, one tractor were also
recovered/seized.



Learned counsel for the petitioner submits that:

(i) the petitioner is not named in the FIR and his name has come in this case during course of investigation due to seizure of Platina motorcycle bearing Reg. No.BR33W 9393 registered in the name of the petitioner.

(ii) the fact is that the petitioner had sold his motorcycle to one Harichandra Kumar, son of Vishundeo Singh, R/o village-Fatehpur Wala, P.S.-Mushrighrari, District-Samastipur on 07-02-2018 and since then the said vehicle was under the possession of the new purchaser and the petitioner had no concern with the said motorcycle on the date of occurrence.

(iii) Mr. Pranav Kumar, learned counsel further submits that irrespective of the outcome of the present petition, the petitioner intends to deposit Rs.25,000/- to the Patna High Court Legal Service Committee through Demand Draft issued by the local State Bank of India branch.

Mr. Jitendra Kumar Singh, learned APP on the other hand opposes the prayer for anticipatory bail.

Considering the fact that petitioner was not named in the FIR and his name came during the course of investigation, according to him, the vehicle was under the possession of the new purchaser he having been sold the same, do not have



criminal antecedent and ultimately will have to face the trial, this Court is inclined to grant him privilege of bail, subject to payment of Rs.25,000/- 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.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Patepur P.S. Case No.15 of 2019 to the satisfaction of learned Exclusive Special Judge (Excise) Court No.II cum Additional District and Sessions Judge, Vaishali at Hajipur, 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/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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