

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73592 of 2022

Arising Out of PS. Case No.-79 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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ARUN SAH S/o Lagan Sah @ Ramlagan Sah R/o Village- Ramnagra, P.S.-
Runnisaidpur, Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Gulnar Begum,APP

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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 Sitamarhi Excise P.S. Case 79 of 2022 for the offence
registered under Sections 30(a) and 32(3) of Bihar Prohibition
and Excise Amendment Act, 2016.

As per the prosecution story, the police raided the hut
of Bulan Singh @ Shiv Kailash Singh and altogether 651 litres
960ml English liquor of different brands were recovered/seized.
Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that the
recovery is from the hut of Shiv Kailash Singh @ Bulan Singh
and ironically, he has not even been made accused in the matter.

Learned APP for the State, on the other hand, opposes



the prayer for anticipatory bail.

Considering the fact that the petitioner do not have criminal antecedent, the recovery is from the hut of Shiv Kailash Singh @ Bulan Singh, who is not an accused in the present case, 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 Court of Exclusive Special Excise Court-II, Sitamarhi in connection with Sitamarhi Excise P.S. Case No. 79 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.

(Rajiv Roy, J)

Jagdish/Neha/-

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