

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74877 of 2022

Arising Out of PS. Case No.-772 Year-2022 Thana- DEHRI TOWN District- Rohtas

VIKASH KUMAR @ GHUTURAN SON OF VIJAY CHAUDHARY
RESIDENT OF VILLAGE- MAUNIYA BIGHA, P.S.- DALMIYA NAGAR,
DISTT.- ROHTAS

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Braj Kishore Pd., 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 Dehri (Town) P.S. Case No.772 of 2022 instituted under
Sections 30(a) of Bihar Excise Act.

As per the prosecution story, the police upon
information reached the place of occurrence and on the sight
police, the accused persons fled away and 'Chowkidar' gave the
name as Vikash, the petitioner herein. Further, from the said
place, allegation is that 7.5 liter foreign liquor were recovered.
Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that the
alleged recovery was made near the cow shed covered from the



brick which is open place and approachable to all and has no concern with the alleged recovered article. Further submits that both the seizure list witnesses are members of raiding party.

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

Taking into account the fact that the petitioner do not have criminal antecedent, his name has come on the disclosure of the 'Chowkidar', the recovery is near the cow shed which is an open place, this Court is inclined to grant him privilege of anticipatory 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 Dehri (Town) P.S. Case No.772 of 2022 to the satisfaction of learned Exclusive Special Judge, Excise-I, Rohtas at Sasaram, 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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