

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74915 of 2022

Arising Out of PS. Case No.-258 Year-2022 Thana- NAVINAGAR District- Aurangabad

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Basant Kumar @ Basant Ram Son Of Ram Lagan Ram R/o Village -
Dewagana, P.S.- Nabinagar, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukul Kumari, Adv

For the Opposite Party/s : Mr.Ajay Kumar No. 2, 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.

The petitioner apprehends his arrest in connection
with Nabinagar P.S. Case No. 258 of 2022 for the offence
registered under sections 30(a) of the Bihar Prohibition &
Excise Act 2018.

As per the prosecution story, the police upon secret
information that there is some crowd near the water tank, they
went there. Although the accused persons managed to escape,
the locals gave their name, the petitioner being one of them.
Further, upon search near sewer, in a jute bag, altogether 15
liters of country made Mahua liquor was/ were recovered/
seized. Accordingly, the FIR has been lodged.

The case of the petitioner is/ are that:

(i) the aforesaid illicit liquor was neither recovered



from the physical possession nor the house of the petitioner, in fact it has been recovered from an open area;

(ii) no incriminating article has been recovered from the physical possession of the petitioner.

(iii) there is no evidence or eye witness in support of allegation against the petitioner in the whole prosecution case.

Learned APP opposes the prayer for bail of the petitioner.

Taking into account the fact that the petitioner do not have criminal antecedent and recovery is from a local place, the name has come on the disclosure of the villagers, 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 within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Aurangabad in connection with Nabinagar P.S. Case No.258 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 co-operate in the investigation and make himself available to the police as and when required;

(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 his 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 his bail bonds.

(Rajiv Roy, J)

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