

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74892 of 2022

Arising Out of PS. Case No.-78 Year-2022 Thana- RISIYAP District- Aurangabad

Rahul Kumar S/O Bigawan Ram Resident of village- Bari, P.S.- Satbarwa,
District- Palamu (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

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 Risiyap P.S. Case No. 78 of 2022 for the offence registered
under sections 30(a) of the Bihar Prohibition & Excise Act
2018.

As per the prosecution story, upon secret
information about movement of liquor in the Mahindra Van, the
same was intercepted and upon search, altogether 742.5 liters
of country made liquor was /were recovered/ seized.
Accordingly, the FIR has been lodged.

The case of the petitioner is/are that;



(i) the petitioner had purchased his vehicle from one Jitendra Singh on 15.01.2021 after making payment of Rs. Four lakhs and fifty thousand;

(ii) the petitioner have given his vehicle to the co-accused person namely, Amarjeet Singh, who has been arrested at the place of occurrence with recovery of illicit liquor.

Learned APP opposes the prayer for bail of the petitioner.

Taking into account the fact that the petitioner do not have criminal antecedent, according to him the vehicle was taken away by one Amarjeet Singh, his friend, who was subsequently carrying the liquor and was arrested, ultimately he has to face the trial, 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 Risiyap P.S. Case No.78 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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