

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74176 of 2022

Arising Out of PS. Case No.-319 Year-2022 Thana- HASPURA District- Aurangabad

ARVIND KUMAR S/o Ram Peavesh Ravani @ Ram Pravesh Singh R/v-
Kishunpur, P.S.- Haspura, District- Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Chandra, Advocate

For the Opposite Party/s : Mr.Pronoti Singh, 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 Haspura P.S. Case No.319 of 2022 instituted under Section
30(a)(c) of the Bihar Prohibition and Excise Amendment Act,
2018.

As per the prosecution story, the police got secret
information of the illegal liquor being manufactured reached the
place and recovered/seized altogether 10 liter Mahua liquor
from one aluminum pot, 50 liters Jawa from another aluminum
pot and 5 liters countrymade Mahua liquor from the dicky of a
motorcycle. The chowkidar identified the accused persons
which included the petitioner herein. Accordingly, the FIR was



lodged.

Learned counsel for the petitioner submits that nothing has been recovered from the possession of the petitioner. He is not the owner of the alleged Glamour motorcycle. The alleged liquor, motorcycle and aluminum pot etc. have been seized in presence of Hawaldar and constable of raiding party who are not independent witness and the informant also violated the law laid down under Section 100 of Cr.P.C.

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

Taking into account the fact that petitioner is not the owner of the motorcycle, nothing has been recovered from his possession, he do not have criminal antecedent, this Court is inclined to grant him privilege of 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 Haspura P.S. Case No.319 of 2022 to the satisfaction of learned Special Judge Excise, IInd, Aurangabad, 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 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 /-

U		T	
---	--	---	--

