

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1944 of 2023

Arising Out of PS. Case No.-239 Year-2022 Thana- RAGHUNATHPUR District- Siwan

KEDAR SINGH S/o Late Gauri Shankar Singh R/v- Nikhti Kala, P.S.-
Raghunathpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary,Advocate

For the Opposite Party/s : Mr.Madan Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Raghunathpur P.S. Case No. 239 of 2022 for the offence registered under Section 30(a) of the Bihar Prohibition Excise Act, 2016.

As per the prosecution story, the police recovered 28.200 litres of country made liquor from a paddy straw outside the house of petitioner. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that it is not the case of the police that there has been any recovery from his house and anything outside the house cannot be attributed to him.

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



the prayer for anticipatory bail.

Considering the aforesaid submissions of the learned counsel for the petitioner as also the fact that the recovery is from outside, he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

If however, it is found that the petitioner has criminal antecedent, the bail order shall become infructuous.

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 Exclusive Special Judge, Excise Court No. II, Siwan in connection with Raghunathpur P.S. Case No. 239 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 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 bail



bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year 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;

(vi) the petitioner shall co-operate in the investigation and made himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha/-

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

