

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75200 of 2022**

Arising Out of PS. Case No.-224 Year-2022 Thana- SARMERA District- Nalanda

Sanjay Ram Son of Late Ramasharay Ram Resident of Village - Pendhi, P.S.-
Sarmera, District - Nalanda at Biharsharif.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Adv
For the Opposite Party/s : Mr. Anil Prasad Singh, 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 Sarmera P.S. Case No. 224 of 2022 for the offence
registered under sections 30(a) of the Bihar Prohibition &
Excise Act 2018.

As per the prosecution story, the police got secret
information that the present petitioner is carrying liquor in the
plastic bags. However, the accused persons managed to escape
but on search 10 liters country made liquor was
recovered/seized. Accordingly, FIR has been lodged.

The case of the petitioner is /are that:

(i) the recovery was made from the open place at



the back side of his house;

(ii) nothing has been recovered from the possession of the petitioner.

Learned APP opposes the prayer for bail of the petitioner.

Considering the fact that the recovery of ten liters country made liquor is from "gairmajarua land" and not from conscious possession of the petitioner and / or his house, he do not have criminal antecedent as stated in Para-3 of the petition, this court is inclined to extend him privilege of anticipatory bail with conditions.

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, Biharsharif, Nalanda in connection with Sarmera P.S. Case No. 224 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/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 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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