

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78589 of 2023

Arising Out of PS. Case No.-339 Year-2023 Thana- BARHARIA District- Siwan

1. ARJUN KUMAR @ ARJUN @ DHONI S/O RAMESH BHAGAT @ RAMESH PRASAD R/O VILLAGE- SIYADI KARN (KHURD), PS. BARHARIYA, DIST.SIWAN.
2. SANJIT KUMAR @ BULLET S/O NAGESHWAR SAH VILLAGE- NURAHATA, PS. BARHARIYA, DIST. SIWAN
3. DEEPU KUMAR SINGH S/O DHRUV SINGH R/O VILLAGE- ROHRA KALA, PS. BARHARIYA, DIST. SIWAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-12-2023

Heard the parties.

2. The petitioners are apprehending arrest in connection with Barharia P.S. Case No. 339 of 2023 instituted under Sections 30(a), 38(i), 41(1) of the Bihar Prohibition and Excise Act lodged on 03.09.2023 by the informant, Rahul Tiwary.

3. As per the prosecution story, the allegation is that the police upon information intercepted a truck and recovered/seized 481.32 liters of Indian made foreign liquor kept in fifty four plastic pockets. Accordingly the FIR.

4. Learned counsel for the petitioners submit that they were in the vehicle but little realizing that it is having liquor. The owner of the truck is Jitendra Yadav while these petitioners



are the driver/cleaner.

5. Learned APP opposes the prayer stating that two of them are having criminal antecedent of the same nature.

6. Considering the submission put forward by the parties and also the fact that the truck owner is Jitendra Yadav, so far as petitioner No. 02 namely Sanjit Kumar @ Bullet is concerned, since he does not have any criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

7. So far as the petitioner No. 01 and 03 namely Arjun Kumar @ Arjun @ Dhoni as also petitioner No. 03 Deepu Kumar Singh are concerned, it would be appropriate that they surrender before the Court concerned who shall take up the matter and pass necessary order on the same day the petition is presented without giving prejudice by any of the observation made herein.

8. Let the petitioner No. 02 (Sanjit Kumar @ Bullet) be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Barhariya P.S. Case No. 339 of 2023 to the satisfaction of learned Exclusive Special Excise Court No. 1,



Siwan, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 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 co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark their 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;

(Rajiv Roy, J)

Adnan/-

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