

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.624 of 2023

Arising Out of PS. Case No.-94 Year-2022 Thana- GADHPURA District- Begusarai

ABHISHEK RAI @ ABHISHEK KUMAR SON OF SUDHIR ROY R/V
MALIPUR, P.S.- GADHPURA, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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

The petitioner apprehends his arrest in connection with Gadhpura P.S. Case No.94 of 2022 instituted under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, police upon secret information, raided the orchard and cane field of Ramdeo Sah and recovered/seized 106.20 liters of foreign liquor. Beside the orchard, two motorcycles were also there without registration number which were also seized. Further, upon inquiry, the name of the petitioner came.

Learned counsel for the petitioner submits that one Govind Chaudhary was apprehended and he confessed the name of the petitioner. Neither the field nor the seized motorcycles belong to the petitioner and further due to village enmity and



also that he had criminal antecedent he has been dragged in the case. Further submission is that irrespective of the outcome of the present petition, the petitioner intends to deposit Rs.10,000/- to the Patna High Court Legal Services Committee through Demand Draft issued by the local State Bank of India branch.

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

Taking into account all the aforesaid facts that neither the seized motorcycles belong to the petitioner nor the said field from which the recovery/seizure has been made, this Court is inclined to grant him privilege of bail subject to payment of Rs.10,000/- as stated above.

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 Gadhpura P.S. Case No.94 of 2022 to the satisfaction of learned Exclusive Special Judge Excise, Ist, Begusarai, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(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/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next one year 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 /-

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