

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1563 of 2023

Arising Out of PS. Case No.-415 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

ADITYA KUMAR @ ADITYA RAJ@ADITIYA KR. S/o Ashok Ray R/o
Dighi Khurd, P.S.- Hajipur Sadar, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Choudhary, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, 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 Hajipur Sadar P.S. Case No. 415 of 2022 for the offence registered under Section 414 of the Indian Penal Code and Section 30(A) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution story, the police intercepted a pick up van and recovered/seized 596.160 litres of foreign liquor. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession nor he owns the vehicle in question and only because the locals gave the name of persons escaped, implication came and is in the judicial net.



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

Considering the fact that the petitioner does not own the van, nothing has been recovered from his conscious possession and 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 Court of Exclusive Special Excise Court No. 1, cum Additional District & Session Judge, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 415 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/-

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