

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8637 of 2024

Arising Out of PS. Case No.-250 Year-2023 Thana- JOGBANI District- Araria

MD. PARVEJ @ PARVEJ @ BABLU MIYA @ BABLU @ PARVEJ ALAM
SON OF MUKHATAR R/O-WARD NO. 04, INDRANAGAR, HARIPUR
P.S.-JOGBANI, DISTT.-ARARIA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh, Advocate
For the Opposite Party/s : Mr.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Jogbani P.S. Case No. 250 of 2023 registered under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 08.10.2023 by the informant, Surendra Singh Samyal.

3. As per the prosecution story, the informant alleged that he received information about the presence of intoxicating materials on a motorcycle, raided the place, the accuseds managed to escape and there was recovery of 190 bottles of cough syrup each measuring 100ml. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he



had a friend of him Chhotu Ansari had taken the motorcycle and he had no knowledge that cough syrup is present on it for which he has already suffered as FIR has lodged. Further, he do not have criminal antecedent.

5. Further the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner is ready to pay Rs. 10,000/- towards his contribution to the to the clerk who died in the Civil Court premises in Patna and the demand draft will be given in the name of District Legal Services Authority, Patna who shall in turn delivered the cheque of Rs. 10,000/- to the clerk who died in the transformer incident.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the motorcycle from which the recovery was made belongs to the petitioner.

7. Taking into account the fact that there is no recovery from his conscious possession, as per the submission, he had given the motorcycle to his friend and do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail, subject to payment of Rs. 10,000/- as stated above.

8. 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 Judge cum Spl. Judge Excise-I, Araria in connection with Jogbani P.S. Case No. 250 of 2023, subject to condition 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 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;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months 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 his 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.

(Rajiv Roy, J)

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