

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9791 of 2024

Arising Out of PS. Case No.-662 Year-2023 Thana- BRAHMPUR District- Buxar

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Krishna Kumar Gautam @ Krishna Prasad Gautam @ K. K. Gautam Son of
Jaynath Prasad @ Jagnath Prasad R/o Village- Barhampur, PO, PS
Barhampur, District Buxar, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar, Advocate

For the Opposite Party/s : Mrs. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 21-03-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Barhampur P.S. Case No. 662 of 2023 for the offence registered under section 30(A) of the Bihar Prohibition and Excise Act lodged on 05.11.2023 by the informant, Khushboo Kumari.

3. As per the prosecution story, the police upon secret information, raided the house of the petitioner and recovered/seized 3 litres of foreign liquor. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that the recovery is from the house of the petitioner which is a joint property, nothing has been recovered from his conscious



possession and he do not have criminal antecedent.

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

6. Considering the aforesaid submissions made by the parties as also that he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

7. 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 Additional Sessions Judge-cum-Exclusive Special Excise Court No. 2, Buxar in connection with Barhampur P.S. Case No. 662 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 *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 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 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.

(Rajiv Roy, J)

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