

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10314 of 2024

Arising Out of PS. Case No.-329 Year-2023 Thana- Excise P.S. District- Khagaria

Ashok Kumar Deo S/o Dinesh Deo Resident of Village- Kamalpur, P.S.
Khagaria (Mathurapur), District-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmveer Jha, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, 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 Excise P.S. Case No. 799c 3 of 2023 (P.S. Case No. 329 of 2023) for the offence registered under section 30(a) of the Bihar Prohibition and Excise Act lodged on 11.08.2023 by the informant, Bharosh Paswan.

3. As per the prosecution story, the informant alleged that a vehicle was intercepted and there is recovery of 68 litres of codeine syrup. Accordingly, the FIR.

4. As per the FIR, the vehicle belong to the petitioner. The case that has been made out is that it is the commercial vehicle driven by Nandan Paswan which is/are being used by the passengers and in that background, the recovery/seizure is



cannot be attributed to the owner.

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

6. Considering the aforesaid facts that this is a commercial vehicle used by the passengers, the petitioner 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 Special Excise Judge-II, Khagaria in connection with Excise P.S. Case No. 799c3/2023 (P.S. Case No. 329 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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