

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33484 of 2024

Arising Out of PS. Case No.-214 Year-2021 Thana- BUNIYAD GANJ District- Gaya

Dinesh Chaudhary @ Dinesh Kumar S/O Deonandan Chaudhary R/O Vill. -
Harigaon (Harigawan), P.S - Chakand, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-07-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Buniyadganj P.S. Case No. 214 of 2021 for the offence registered under section 30(a) of Bihar Prohibition and Excise Act lodged on 02.10.2021 by the informant, Radho Singh.

3. As per the prosecution story, the informant alleged that upon secret information, he intercepted motorcycle and 5 litres of Mahua wine seized. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that though the registration of the motorcycle belongs to him, he had sold the same long back to one Jai Ram Yadav in the year 2017 and agreement paper has been attached as Annexure-2 to the petitioner, he also do not have criminal antecedent.



5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the motorcycle belongs to him.

6. Taking into account the aforesaid facts as submitted by learned Counsel for the petitioner, 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 Additional Sessions Judge-cum-Excl. Spl. Excise Court No.-1, Gaya in connection with Buniyadganj P.S. Case No. 214 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives 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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