

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31604 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- Excise P.S. District- Samastipur

Mantun Kumar Son Of Ramkishun Mahto Village-Kerai Dih, Ward No. 1,
P.S.- Bibhutipur, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-05-2024

Heard the parties.

2. The petitioner apprehends his arrest in connection with Sadar Excise P.S. Case No. 97 of 2024 for the offence registered under section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 21.03.2024 by the informant Prashant Kumar.

3. As per the prosecution story, the informant alleged that this petitioner had kept liquor in his motorcycle dicky and is selling it. It was raided the accused managed to escape, the motorcycle search and from the dicky, 1.440 foreign liquor was recovered/seized. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that the motorcycle does not belongs to him and how and under what circumstance, he has been dragged in the case, particularly,



when he has no criminal antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Taking into account the fact that the recovery is from the motorcycle which does not belongs to the the petitioner and do not have criminal antecedent, this Court is inclined to extend the privilege of anticipatory bail with conditions. If however, it is found that contrary to the statement made in anticipatory bail application the motorcycle actually belongs to him and or is registered in the name of his family member, the order shall become infructuous.

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 Judge, (Excise)-02, Samastipur, Purnia in connection with Sadar Excise P.S. Case No. 97 of 2024 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 his 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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