

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31542 of 2024

Arising Out of PS. Case No.-39 Year-2024 Thana- GANGABRIDGE District- Vaishali

Ranjan Kumar Son of Madan Ray Resident of Village- Litiyahi, P.S-
Raghopur, Dist- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dwij Raj, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-05-2024 Heard Mr. Dwij Raj, learned counsel for the
petitioner and Mr. Jitendra Kumar Singh, learned APP.

2. The petitioner is apprehending his arrest in connection with Ganga Bridge P.S. Case No. 39 of 2024 for the offence under section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 lodged on 25.02.2024 by the informant, Abhishek Kumar.

3. As per the prosecution story, the informant alleged that while on patrolling duty, upon information that the accused persons including this petitioner have brought large consignment of illegal country made liquor on a tractor, the same was intercepted. On the sight of police, the accused persons fled away and then, there was recovery of 2160 liters of country made wine from the tractor. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that he do not have criminal antecedent and due to local enmity, has been implicated. He is not the owner of the vehicle nor its driver.

5. Further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs. 20,000/- to the District Legal Services Authority, Vaishali from which Rs. 10,000/- of may be used exclusively for the purchase of journals for the District Legal Services Authority, Library.

6. Learned APP opposes the prayer stating that his name has come in the FIR.

7. Taking into account the fact that the recovery is from a tractor which is not owned by the petitioner, he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 20,000/- as incorporated above and Rs. 10,000/- shall be used exclusively for the purchase of journals.

8. So far as the antecedent part is concerned, the Court shall ensure that the statement made in the petition that the petitioner do not have criminal antecedent is correct. In case, if it is found to be untrue, the order shall become infructuous.



9. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Court of Exclusive Special Judge Excise, Court no. I-cum-Additional District and Sessions Judge, Vaishali at Hajipur, in connection with Ganga Bridge P.S. Case No. 39 of 2024 subject to the conditions 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 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 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 his bail bonds.

(Rajiv Roy, J)

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