

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31537 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- Excise P.S. District- Begusarai

Indal Kumar Son of Ramanand Yadav R/o Village - Ratan Ward No.- 12, P.S.-
Bakhri, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-05-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Begusarai Excise P.S. Case No. 79 of 2024 for the offence under section 30(a) of the Bihar Provision & Excise Act lodged on 16.02.2024 by the informant, Pushpa Bharti.

3. As per the prosecution story, the police upon secret information searched the 'basbari' and recovered/seized 101 liters foreign liquor. Upon enquiry, it came to notice that this person is behind the said recovery/seizure. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that only because he has criminal antecedent, has been implicated in this case, has no role to play in the matter and the recovery is from an open place which cannot be attributed to him.

5. Learned APP opposes the prayer.



6. Taking into account the aforesaid facts as also the fact that the recovery is from an open place, FIR lodged, will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. 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 Special Judge, Excise Court IInd, Begusarai, in connection with Begusarai Excise P.S. Case No. 79 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 month for one year 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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