

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32663 of 2024

Arising Out of PS. Case No.-88 Year-2024 Thana- Excise P.S. District- Muzaffarpur

Ranjeet Kumar SON OF GONU RAI @ JAGDISH RAY RESIDENT OF
VILLAGE- SABHA MAHADAIYA, PS- SAKRA , DIST- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-05-2024 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. 88 of 2024 for the offence registered under sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act lodged on 15.01.2024 by the informant, Soni Mahiwal.

3. As per the prosecution story, the informant upon secret information, raided the place of occurrence and found a motorcycle with a sack loaded on it. Upon search, altogether, 61.920 litres country made foreign liquor recovered from the motorcycle/bushes. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that the recovery is from the motorcycle/bushes and a categorical



statement has been made that the alleged vehicle does not belong to him.

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

6. Taking into account the aforesaid submission as also the fact that the motorcycle does not belong to him and F.I.R. lodged, will be facing the trial, this Court is inclined to extend him privilege of anticipatory bail.

7. However, if it is found that contrary to the statement made, the motorcycle belongs to him and/or his family member, the order shall become infructuous.

8. 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 Court No. II, Muzaffarpur, Bihar in connection with Excise P.S. Case No. 88 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 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 month for next one year 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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