

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32684 of 2024

Arising Out of PS. Case No.-587 Year-2023 Thana- Excise P.S. District- Vaishali

Rakesh Kumar @ Rakesh Rai Son of Bishundev Ray @ Bishandev Ray
Resident of Village- Dhawaili, Mohiuddinpur, P.S.- Bidupur, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-05-2024 Heard Ms. Rupa Kumari, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Excise Hajipur P.S. Case No. 587 of 2023 for the offence under sections 30(a), 41(i) of the Bihar Prohibition and Excise Act, (Amended) 2018, lodged on 29.10.2023 by the informant, Ajit Kumar.

3. As per the prosecution story, the informant alleged that on secret information about consignment brought by the petitioner, a husk room near railway halt was raided and 470.880 liters foreign liquor recovered/seized. The accuseds escaped and the locals informed that it belongs to this petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a



bare perusal of the FIR would show that the recovery is from a husk room which is an open place near railway halt, only because of local enmity, he has been implicated. The last submission is that he do not have criminal antecedent.

5. Learned APP opposes the prayer stating that as per the locals, the husk room belongs to him.

6. Taking into account the aforesaid submissions as also the fact that he do not have criminal antecedent and the recovery is near the railway halt and the petitioner denies the ownership of the husk room, 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 no.-2nd cum Additional District and Session Judge, Vaishali at Hajipur, in connection with Excise Hajipur P.S. Case No. 587 of 2023 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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