

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34089 of 2024

Arising Out of PS. Case No.-47 Year-2024 Thana- TRIVENIGANJ District- Supaul

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Nitish Kumar SON OF SANJAY YADAV Village- JARAILA PS-
TRIVENIGANJ, DIST- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Triveniganj P.S. Case No. 47 of 2024 for the offence under Sections 30(a) of the Bihar Excise Prohibition (Amendment) Act, 2018 lodged on 28.01.2024 by the informant, Sudama Sharma.

3. As per the prosecution story, the police upon information raided the village, saw a person coming from motorcycle who upon sight of the police, escaped leaving the motorcycle/the jute bag, upon opening it total of 27 liters country-made Nepali liquor recovered/seized. Accordingly the FIR.

4. Learned counsel for the petitioner submits that his name cropped up having been given by the locals due to enmity,



the motorcycle does not belong to him. Further, he do not have any criminal antecedent.

5. Learned APP opposes the prayer submitting that his name has cropped up.

6. Taking into account the submissions put forward by the parties as also that he do not have criminal antecedent, FIR lodged and 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 Exclusive Special Judge, Court No. 1, Supaul in connection with Triveniganj P.S. Case No. 47 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/relatives 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)

Adnan/-

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