

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34946 of 2024

Arising Out of PS. Case No.-512 Year-2023 Thana- TRIVENIGANJ District- Supaul

Ashok Ram @ Ashok Kumar @ Ashek Kumar S/O INDRADEV RAM R/O
VILLAGE GONAHA, WARD NO 8, POLICE SATATION - TRIVENIGANJ,
DIST- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Goutam

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 20-07-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Triveniganj P.S. Case No. 512 of 2023 for the offence registered under sections 30(a) and 45 of the Bihar Prohibition and Excise Act lodged on 31.12.2023 by the informant, Arun Kumar Singh.

3. As per the prosecution story, the informant alleged that upon information that Sita Devi is selling country made liquor, raided the house and there was recovery of 10 litres country made liquor. However, it was informed that the chowkidar who gave the information, he is being thrashed by the accused persons which included this petitioner. On sight of



the police, they escaped. This followed the F.I.R.

4. Learned Counsel for the petitioner submits that the recovery/seizure is from the house of Sita Devi and only because he is the local villager/neighbour, the chowkidar with ulterior motive has named him. He further submitted that the petitioner has no criminal antecedent.

5. Further the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner intends to pay Rs. 2,000/- on her own to the Chief Minister's Relief Fund.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that they tried to assault the chowkidar who had given information about the illicit liquor.

7. Taking into account the fact that the recovery has not been made from the house of Sita Devi not from this and the petitioner does not have criminal antecedent, this Court is inclined to extend her privilege of anticipatory bail subject to payment of Rs. 2,000/-, as stated above.

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-I, Supaul in connection with Triveniganj P.S. Case No. 512 of 2023 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 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;

(iv) 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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