

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39874 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- Excise P.S. District- Rohtas

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RITESH KUMAR S/O JAMUNA BIND R/O MOHALLA- KADIRGANJ,
P.S- DARIGAON, DISTT.- ROHTAS.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishal Agrawal, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-07-2024 Heard Mr. Vishal Agrawal, learned Counsel for the

petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Excise P.S. F.I.R. No. 12 of 2024 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Act lodged on 10.01.2024 by the informant, Amit Anand.

3. As per the prosecution story, the police upon information, intercepted an e-rickshaw and recovered/seized 40 litres of country made *chulai* and arrested one Manish Kumar. He confessed that he works for the petitioner. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that neither he was present at the spot nor anything recovered from his conscious possession.



5. Further, irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 5,000/- to the District Legal Services Authority, Rohtas (exclusively for the purchase of journals like SCC/BLJ etc).

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he has criminal antecedent.

7. Taking into account the fact that the recovery is from an e-rickshaw and one Manish Kumar was arrested, the name of the petitioner has come in the confessional statement, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 5,000/-, 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 Court of Exclusive Special Judge, Excise Court No. 1, Rohtas at Sasaram in connection with Excise P.S. F.I.R. No. 12 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 fortnight for next six months 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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