

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40911 of 2024**

Arising Out of PS. Case No.-32 Year-2024 Thana- Excise P.S. District- Siwan

Sikandar Ray S/o- Late Sita Ray Village- Baiju Barhoga Ps- basantpur Dist-  
Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      10-07-2024                      Heard learned Counsel for the petitioner and learned  
APP for the State.

2. The petitioner apprehends his arrest in connection with Maharajganj Excise P.S. Case No. 32 of 2024 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Act lodged on 14.03.2024 by the informant, Anup Kumar.

3. As per the prosecution story, upon secret information that the accused persons which included this petitioner Sikandar Ray beside Ajay Kumar Ray and Madan Sah are indulged in the storage and business of illicit liquor. The police reached the spot and raided a Pick-Up Van and altogether 578 litres 832 ml foreign liquor recovered/seized. Ajay Kumar Ray was apprehended and he gave the name of the accused



persons as his associates, the petitioner being one of them. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that nothing has been recovered from his conscious possession, he has no role to play in the alleged recovery of the liquor, only due to enmity, Ajay Kumar Ray has named him and he do not have criminal antecedent.

5. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to pay Rs. 20,000/- to be issued in the name of the Executive Officer, Patna Municipal Corporation (Bankipur Circle), Patna and the amount is to be used exclusively for the installation of basic amenities including Toilet at Kadamghat near River Front, Patna for the ladies sanitation workers of the P.M.C. as despite several requests to its S.D.O. (Mr. Rahul), he has not bothered to do anything thus depriving the female workers of basic amenities.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the Excise Team raided and 578 litres 832 ml foreign liquor was recovered/seized. The apprehended person named this petitioner.

7. Taking into account the fact that the recovery is not



from his conscious possession rather from Pick-Up Van, which does not belong to him, he do not have criminal antecedent, F.I.R. lodged, will be facing the trial, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 20,000/- to be paid to the Executive Officer, Patna Municipal Corporation (Bankipur Circle) Patna through Bank Draft issued by the local State Bank of India. The amount shall be used exclusively for the installation of toilets/basic amenities near the Kadamghat, River Front, Patna under Bankipur Circle within four weeks and the receipts of the expenditure has to be submitted to the concerned Court in seisin of the case.

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 Exclusive Special Judge, Excise Court No. II, Siwan in connection with Maharajganj Excise P.S. Case No. 32 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.

**9.** Let a copy of the order be sent to the office of the Executive Officer, Patna Municipal Corporation (Bankipur Circle), Patna for his perusal and necessary action who shall submit a report on the work undertaken by him after four weeks. He shall also submit a report on the work undertaken by him pursuant to the order dated 03.07.2024 in Cr. Misc. No. 40300 of 2024 (Raghunandan Paswan and Ors. vs State), a copy of which was earlier provided to him.

**10.** List this case under the heading 'To Be Mentioned' on 21.08.2024 when the two reports of the Executive Officer,



Patna Municipal Corporation, Bankipur Circle, Patna on the work undertaken at Kadamghat by him shall be there in a sealed envelope.

**(Rajiv Roy, J)**

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