

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38441 of 2024

Arising Out of PS. Case No.-99 Year-2024 Thana- KOCHAS District- Rohtas

=====

Ajay Kumar @ Ajay Kumar Singh @ Dablu Singh Son of Ram Bihari Singh,
R/O Village- Govindpur, P.S.- Kochas, Dist.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-06-2024 Heard Mr. Babu Nandan Prasad, the learned

counsel for the petitioner and Mr. Sanjay Kumar Pandey, the

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Kochas PS Case No. 99 of 2024, FIR dated

29.03.2024, registered for the offence punishable under Section

30(a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 61.920 litres of Indian made foreign

liquor.

4. Learned counsel for the petitioner submits that

petitioner has falsely been implicated in the present case and

nothing has been recovered from the conscious possession of

the petitioner. He further submits that according to the FIR and

seizure list, the recovery has been made from the cow-shed of



the petitioner. He further submits that the house in question does not belong to the petitioner, rather the same belongs to the father of the petitioner namely, Ram Bihari Singh, who was arrested and petitioner is being made accused in the present case merely on the ground that petitioner is the son of the co-accused, Ram Bihari Singh.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for anticipatory bail of the petitioner referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable. He also submits that petitioner was seen fleeing from the place of occurrence and apart from that petitioner carries one criminal antecedent of similar nature, but fairly admits that petitioner is on bail in the pending matter.

6. This Court is aware of the decision of the full Bench in the case of *Ram Vinay Yadav vs. State of Bihar* reported in **2019(2) P.L.J.R. 1089**. Having regard to the law laid down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of counsel for the petitioner.



7. Considering the aforesaid facts and circumstances and the fact that nothing has been recovered from conscious possession of the petitioner and the house in question does not belong the the petitioner, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 2-cum-Additional District & Sessions Judge, Rohtas at Sasaram, where the case is pending in connection with **Kochas PS Case No. 99 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Shahnawaz/-

U		T	
---	--	---	--

