

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42367 of 2024

Arising Out of PS. Case No.-231 Year-2024 Thana- Excise P.S. District- Aurangabad

Alok Kumar S/O RAMJI CHAUHAN @ MITHILESH CHAUHAN R/O
VILLAGE- HARNAHI, P.S.- FESAR, DIST- Aurangabad(BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shalu Sinha, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-07-2024 Heard Ms. Shalu Sinha, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending arrest in connection with Aurangabad Excise P.S. Case No. 231 of 2024 instituted under Section 30(a), 32(3) of Bihar Prohibition & Excise (Amendment) Act, 2018 lodged on 18.3.2024 by the informant, Rubi Kumari.

3. As per the prosecution story, the Police alleged that in course of the patrolling, he saw one motorcycle, upon request to stop, tried to escape. The Police managed to apprehend one of them, Ayodhya Kumar who gave the name of the person who escaped as this petitioner. Further, upon search 12.780 liters of foreign liquor recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a



perusal of the FIR would show that recovery/seizure is from Ayodhya Kumar and the police forced him to confess the name of this petitioner which followed his implication. She further submits that he do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that the person apprehended named him.

6. Taking into account the aforesaid submission as also the fact that the recovery/seizure is from Ayodhya Kumar, the petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Aurangabad Excise P.S. Case No. 231 of 2024 to the satisfaction of learned Special Judge Excise 2nd, Aurangabad, Bihar subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative 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;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(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)

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