

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 39993 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- Excise P.S. District- Samastipur

Vikas Kumar @ Chetan Rai Son of Raj Kumar Ray R/O Vill.- Chakarman,
Ward no. 10, P.S.- Patory, Dist.- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-07-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Patori Excise P.S. Case No. 40 of 2024 for the offence punishable under section 30(a) of the Bihar Prohibition & Excise Act lodged on 16.03.2024 by the informant, Dharmendra Kumar.

3. As per the prosecution story, the police upon information intercepted an auto and recovered/seized one plastic bag containing two plastic gallon containing 5 liters each country made liquor, two persons were apprehended and the third who escaped is this petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that admittedly, nothing has been recovered from his possession, he has been roped in because the auto is registered in his name



which was taken away by his driver. The last submission is that he do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that the auto belongs to the petitioner.

6. Taking into account the aforesaid facts as also the fact that the recovery/seizure is from an auto, the accused persons were arrested and the petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Court of Special Judge Excise-2, Samastipur, in connection with Patori Excise P.S. Case No. 40 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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;

(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)

kiran/-

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

