

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39856 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- Hariharnath P.S. District- Saran

Subash Kumar Son of Raghubansh Ray @ Raguvansh Ray Resident of
Village- Rahar Diyara, Najarmira, P.S- Sonepur, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ankur Prakash Sinha, Advocate

For the Opposite Party/s : Mrs. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-07-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Hariharnath P.S. Case No. 07 of 2024 for the offence registered under section 30(a) of the Bihar Prohibition & Excise Act lodged on 09.03.2024 by the informant, Prince Raj.

3. As per the prosecution story, the informant alleged that upon secret information, Rahar Diyara Chowk was raided and though the accused escaped, 9 litres of foreign liquor recovered. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that only because of the criminal antecedent, he has been implicated, as per the F.I.R. itself, the recovery is from an open place.

5. Learned APP for the State, on the other hand,



opposes the prayer for anticipatory bail submitting that he has criminal antecedent of the same nature.

6. Taking into account the aforesaid facts/recovery from an open place, this Court is inclined to extend him privilege of anticipatory bail.

7. 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 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Hariharnath P.S. Case No. 07 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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