

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40004 of 2024

Arising Out of PS. Case No.-120 Year-2024 Thana- AKBARPUR District- Nawada

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Deepu Kumar Son of Balmiki Prasad Resident of village - Hudrahi, P.S.-
Akbarpur, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Deo Raj, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-07-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Akbarpur P.S. Case No. 120 of 2024 instituted under Section 30(a) of Bihar Prohibition and Excise Act, 2016 lodged on 24.3.2024 by the informant, Baijnath Prasad.

3. As per the prosecution story, the informant alleged that upon secret information, the place behind the house of the petitioner was raided and five liters of country made 'Mahua' was recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that the recovery is from an open place/behind the house of the petitioner and only because of the criminal antecedent, he has been implicated.

5. Learned APP opposes the prayer submitting that he



has criminal antecedent.

6. Taking into account the fact that the recovery is from an open place, FIR lodged, he will have to face the trial, this Court is inclined to extend him the privilege of anticipatory bail.

7. 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 Akbarpur P.S. Case No. 120 of 2024 to the satisfaction of learned Exclusive Special Excise Judge-I, Nawada 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;

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

(v) 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;

(vi) 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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