

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39855 of 2024

Arising Out of PS. Case No.-546 Year-2024 Thana- Excise P.S. District- Muzaffarpur

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ASHWANI KUMAR @ ASHWINI KUMAR S/O RAM KISHOR SAH R/O
VILLAGE- NEURI, P.S- AHIYAPUR, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar, Advocate

For the Opposite Party/s : Mrs. Asha Devi, APP

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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 Excise P.S. Case No. 546 of 2024 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Act lodged on 22.03.2024 by the informant, Sony Mahiwal.

3. As per the prosecution story, the informant upon information about storage of liquor, raided the place and on removing the husk from it, there was recovery/seizure of 43.2 litres of foreign liquor. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that a bare perusal of the F.I.R. would show that the recovery/seizure is from an open place and due to local enmity, he has been named.



5. Further, irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 5,000/- to the District Legal Services Authority, Muzaffarpur exclusively for the purchase of journals/SCC/BLJ.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that there is a huge recovery.

7. Taking into account the aforesaid submission as also the fact that he do not have criminal antecedent, recovery is from husk/open place, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 5,000/-, as stated above.

8. 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 Court of Spl. Judge of Excise II, Muzaffarpur in connection with Excise P.S. Case No. 546 of 2022 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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