

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40929 of 2024**

Arising Out of PS. Case No.-75 Year-2024 Thana- DIGHWARA District- Saran

SONU KUMAR S/O RAJENDRA RAI R/O VILLAGE- SHITALPUR, P.S-
DIGHWARA, DISTT.- SARAN AT CHAPRA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-07-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Dighwara P.S. Case No. 75 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 22.03.2024 by the informant, Vijay Kumar.

3. As per the prosecution story, the informant alleged that during patrolling, upon interception of a Suzuki car, 1.72 litres of English wine was recovered and the three accused persons namely, Sanjiv Kumar, Murari Singh and Md. Sonu were arrested. Further upon their information, another Tata car was chased, the accuseds managed to escape but those arrested named him as this petitioner. There was recovery of 115 liters of English wine. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that the Tata car does not belong to him and he has been named due to enmity by the three arrested persons only because in the car, his Pan card and Aadhar card were present and he do not have criminal antecedent.

5. Further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs. 10,000/- to the Chief Minister's Relief Fund.

6. Learned APP opposes the prayer submitting that the accuseds arrested named him and his documents were also present in the car.

7. Taking into account the aforesaid submissions as also the FIR, admittedly, the recovery is not from the conscious possession of the petitioner, the car does not belong to him and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 10,000/- to the Chief Minister's Relief Fund as undertaken by the learned counsel for the petitioner.

8. However, if it is found that the petitioner do have criminal antecedent, the order shall become infructuous.

9. 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 1st Exclusive Special Excise Court, Saran at Chapra, in connection with Dighwara P.S. Case No. 75 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)

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