

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 42256 of 2024

Arising Out of PS. Case No.-262 Year-2024 Thana- BELAGANJ District- Gaya

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BHUNTUN KUMAR @ GHUNTUN KUMAR SON OF LATE RAMJI
YADAV RESIDENT OF VILLAGE - GAHARPUR, POLICE STATION -
BELAGANJ, DISTRICT - GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

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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 Belaganj P.S. Case No. 262 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 lodged on 09.05.2024 by the informant, Ashok Kumar.

3. As per the prosecution story, the police upon information went to the place and found that the accused trying to hide something. However, on the sight of the police, they escaped and upon search, 20 liters country made liquor recovered/seized. The chowkidar named this petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a



bare perusal of the FIR would show that the recovery/seizure is from an open place and only because of enmity, he has been named by the chowkidar. The last submission is that he do not have criminal antecedent.

5. Learned APP opposes the prayer.

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

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

8. 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 Exclusive Special Excise Court No. II, Gaya, in connection with Belaganj P.S. Case No. 262 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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