

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42106 of 2024

Arising Out of PS. Case No.-1387 Year-2023 Thana- Excise P.S. District- Darbhanga

KAILASH VISHWAKARAMA SON OF LATE LALBABU MISTRI
RESIDENT OF VILLAGE - ALINAGAR SUNDARPUR, MIDDLE
SCHOOL, P.S. - L.N.U. UNIVERSITY, DISTRICT - DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ugranath Mallik, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-07-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Sadar Prohibition and Excise P.S. Case No. 1387 of 2023 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Act lodged on 11.12.2023 by the informant, Dinesh Prasad Saket.

3. As per the prosecution story, the informant alleged that in course of checking, the motorcycle was intercepted and from the bag, 16 litres of county made liquor recovered/seized and four litres from the dicky of the motorcycle totalling 20 litres recovered. Accordingly, as the petitioner is registered owner of the motorcycle, the F.I.R.



4. Learned Counsel for the petitioner submits that a perusal of the Annexure-P/2 would show that he had sold the aforesaid motorcycle to one Navin Kumar Mahto on 12.04.2023 and as he failed to get the name transfer, the implication.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the motorcycle belongs to him.

6. Taking into account the aforesaid facts as also the document on record to show that he had transferred/sold the motorcycle, do not have criminal antecedent, 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 Special Judge Excise-I, Darbhanga in connection with Prohibition & Excise Sadar P.S. Case No. 1387 of 2023 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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