

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41888 of 2024

Arising Out of PS. Case No.-453 Year-2023 Thana- KAUWAKOL District- Nawada

RAJ KUMAR @ RAJ KUMAR SAW SON OF SOMAR SAW RESIDENT
OF VILLAGE - DUMAR JHAR, POLICE STATION - GAWAN, DISTRICT
- GIRIDIH

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-07-2024 Heard Mr. Deepak Kumar, learned counsel for the
petitioner and Mr. Jitendra Kumar Singh, learned APP.

2. The petitioner is apprehending his arrest in connection with Kawakol P.S. Case No. 453 of 2023 for the offence under Sections 30(a)/41 of the Bihar Prohibition and Excise Act lodged on 19.07.2023 by the informant, Satrugan Kumar.

3. As per the prosecution story, the informant alleged that after receiving confidential information, a Tata Magic was intercepted which was coming from Jharkhand. The accused tried to escape but one of them, Yugal Manjhi was arrested and he gave the name of this petitioner who escaped. Upon search 1,000 liters of country-made *mahua* recovered/seized. Yugal Manjhi further disclosed that this purchase was made from the petitioner and was to be delivered to one Sandeep Kumar and Prince Kumar.



4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that only on the basis of confession of Yugal Manjhi, he has been implicated. Neither he has been arrested from the spot nor the vehicle belongs to him. Further, irrespective of the outcome of the present petition and/or accepting the allegations, the petitioner wants to contribute Rs. 10,000/- towards the purchase of journals in the library of District Legal Services Authority, Nawada.

5. Learned APP opposes the prayer submitting that he has criminal antecedent.

6. Though he has criminal antecedent, the fact remains that the recovery/seizure is from a vehicle which do not belongs to him, his name has come in the confessional statement of Yugal Manjhi, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 10,000/- as undertaken above by the learned counsel for the petitioner which will go to the D.L.S.A., Nawada for purchase of journals in its library.

7. 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-2, Nawada,



in connection with Kawakol P.S. Case No. 453 of 2023 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)

Adnan/-

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