

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42128 of 2024

Arising Out of PS. Case No.-363 Year-2023 Thana- Excise P.S. District- Nawada

Ajit Kumar S/o Kuleshwar Singh R/o Village-Amghat, P.S.-Sirdala, District-nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv

For the Opposite Party/s : Mr. Bishweshwar Ram, 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 Excise P.S. Case No. 363 of 2023 registered under Sections 30(a) and 56(2) (ii) of Bihar Prohibition and Excise Act, lodged on 17.04.2023 by the informant, Md. Zakir Hussain.

3. As per the prosecution story, the police intercepted a motorcycle, recovered/seized 15 liters of countrymade liquor and his name has come as the motorcycle belongs to him. Accordingly the F.I.R.

4. Learned counsel for the petitioner submits that Indradeo Kumar had taken his motorcycle and he had no knowledge that he is carrying liquor and in that way, he got implicated. He has no role to play and do not have criminal



antecedent.

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

6. Taking into account the aforesaid facts as also that the recovery/seizure admittedly, is from Indradeo Kumar and he do not have criminal antecedent, this Court is inclined to grant 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 satisfaction of Learned Exclusive Special Excise Judge-IIInd, Nawada in connection with Excise P.S. Case No. 363 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 member 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/her



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 his 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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