

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42207 of 2024

Arising Out of PS. Case No.-190 Year-2024 Thana- Excise P.S. District- Aurangabad

Chhotu Kumar @ Chhotu Rikiyasan S/O Ramrup Rikiyasan R/O Village-
Mahadev Sthan, P.S. Gurua, Distt-Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukul Kumari, Adv

For the Opposite Party/s : Mr. Kalyan Shankar, 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 G.R. No. 341 of 2024 arising out of Excise P.S. Case No. 190 of 2024 registered under Sections 30(a), 32(3) of the Bihar Prohibition of Excise Act 2018 lodged on 07.03.2024 by the informant, Sudhir Kumar.

3. As per the prosecution story, the informant alleged that during regular checking, the motorcycle was intercepted and one Surendra Kumar was apprehended, 20 liters of countrymade liquor was/were recovered/seized from the said motorcycle which followed the F.I.R.

4. Learned counsel for the petitioner submits that he is only the owner of the motorcycle which he gave to his



neighbour, Surendra Kumar, who was apprehended, he found himself implicated in this case, there is no recovery from his motorcycle and he 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 is from Surendra Kumar, he do not have criminal antecedent, F.I.R. lodged and he will be facing the trial, 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 Court of Special Judge of Excise-II, Aurangabad in connection with G.R. No. 341 of 2024, arising out of Excise P.S. Case No. 190 of 2024 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/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/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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