

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46229 of 2024

Arising Out of PS. Case No.-2002 Year-2023 Thana- Excise P.S. District- Muzaffarpur

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RAM KISHOR SAH S/O LAXMAN SAH R/O VILLAGE- NEURI, P.S-
AHIYAPUR, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-07-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Excise P.S. Case No. 2002 of 2023 instituted under Section 30(a) of Bihar Prohibition and Excise Act lodged on 21.10.2023 by the informant, Soni Mahiwal.

3. As per the prosecution story, the informant upon secret information, raided the Banana Orchard and recovered/seized 27 liters of foreign liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the alleged Banana Orchard does not belong to him despite that he has been implicated. Last submission is that he do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that as



per the FIR, the recovery is from the Banana Orchard and the locals gave the name of this petitioner.

6. Taking into account the fact that the recovery/seizure is from an open place which does not belong to the petitioner and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Excise P.S. Case No. 2002 of 2023 to the satisfaction of learned Court of Special Judge, Excise-II, Muzaffarpur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(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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