

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46102 of 2024

Arising Out of PS. Case No.-58 Year-2024 Thana- JALALPUR District- Saran

- 1. Ankit Kumar Singh @ Ankit Singh S/o Nand Kishore Singh R/o vill - Gamhariya Khud, P.S. - Jalalpur, Distt. - Saran
- 2. Vishwajeet Kumar Singh S/o Vikrama Singh R/o vill - Gamhariya Khud, P.S. - Jalalpur, Distt. - Saran
- 3. Deepak Kumar @ Deepak Prasad S/o Krishan Prasad R/o vill - G.S. - Bangara, P.S. - Jalalpur, Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Aashi Vats, Adv.
For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-07-2024 Heard Ms. Aashi Vats, learned counsel for the

petitioners and learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Jalalpur P.S. Case No. 58 of 2024 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 05.03.2024 by the informant, Bhupendra Kumar.

3. As per the prosecution story, the informant alleged that on a tip-off about the unloading of illicit liquor, the place was raided. However, he apprehended one Raju Kumar, who gave the name of persons who escaped as

Vishwajeet Kumar, Deepak Kumar and Ankit Kumar. All together 45 litre country made liquor recovered from a motorcycle which followed the F.I.R.

4. Learned counsel for the petitioners submit that it is the case of the petitioner that his name has come in the confessional statement of Raju Kumar before the police and there is nothing on record to implicate them, save and except the criminal antecedents.

5. Learned APP opposes the prayer submitting that they have criminal antecedents.

6. Taking into account the fact that recovery/seizure is from motorcycle and one Raju Kumar was apprehended, who named these petitioners, the F.I.R. lodged and they will be facing the trial, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail in the event of their 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 2nd Exclusive Special Judge, Saran at Chapra in connection with Jalalpur

P.S. Case No. 58 of 2024 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 of the petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioners 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 petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

8. With the aforesaid observations, the anticipatory bail application is allowed.

9. Before parting, this Court would like to put on record its word of appreciation for Ms. Aashi Vats for the proper assistance rendered in the matter.

(Rajiv Roy, J)

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