

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46121 of 2024

Arising Out of PS. Case No.-341 Year-2021 Thana- WARISNAGAR District- Samastipur

Dilip Kumar Son of Ram Sagar Mahto R/O Village- Matua Lakhanpatti, P.S.-
Warisnagar, Distt.- Samatipur

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suneil Kumar Thakur, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-07-2024

Heard the parties.

2. The petitioner is apprehending arrest in connection with Warisnagar P.S. Case No. 341 of 2021 instituted under Section 30(a) of the Bihar Prohibition & Excise Act lodged on 18.12.2021 by the informant, Dhaneshwar Jha.

3. As per the prosecution story, the police during patrolling, intercepted a motorcycle and recovered/seized 1.980 liters of foreign liquor. Further, upon raiding the house of Shanti Paswan, 10 liters of country made liquor was recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that only because he owns the motorcycle, has been implicated, actually it was parked at the place, the police foisted the case showing the alleged recovery.



5. Learned APP opposes the prayer.

6. Taking into account the aforesaid facts as also the fact that the petitioner do not have any criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

7. 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 Warisnagar P.S. Case No. 341 of 2021 to the satisfaction of learned Special Judge (Excise)-2, Samastipur 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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