

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48475 of 2024

Arising Out of PS. Case No.-150 Year-2024 Thana- JAGDISHPUR District- Bhojpur

1. DHARMENDRA @ DHANU RAM @ DHARMENDRA RAM SON OF TENGARI YADAV VILLAGE- UGANA, P.S.- JAGDISHPUR, DIST.- BHOJPUR
2. MADHUBAN YADAV SON OF JAIGOBIND YADAV VILLAGE-UGANA, P.S.- JAGDISHPUR, DIST.- BHOJPUR
3. CHANDAN PASWAN SON OF NIRMAL PASWAN VILLAGE- UGANA, P.S.- JAGDISHPUR, DIST.- BHOJPUR
4. JIYALAL @ JIYALAL RAM SON OF GAYANAND RAM VILLAGE-UGANA, P.S.- JAGDISHPUR, DIST.- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-08-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Jagdishpur P.S. Case No. 150 of 2024 for the offence under Sections 30(a) and 37(b) of the Bihar Excise Act lodged on 11.05.2024 by the informant, Bhim Singh.

3. As per the prosecution story, the informant alleged that on secret information, they went to the place and found people trying to escape, Ramlal Paswan was apprehended and he named the other accused persons, the petitioners included. 37.5 liters of country-made wine recovered/seized from the place of occurrence. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that



nothing has been recovered from their conscious possession and their name has come in the confessional statement of Ramlal Paswan before the police. Further, the submission is that they do not have any criminal antecedent.

5. Learned APP opposes the prayer stating that their names have come in the confession of Ramlal Paswan.

6. Taking into account the submissions put forward by the learned counsel for the petitioners as also that none of them have criminal antecedent and there is no recovery from their conscious possession, this Court is inclined to extend them privilege of anticipatory bail with conditions.

7. However, if it is found that any of the petitioner is having criminal antecedent, the order against him shall become infructuous.

8. 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 Exclusive Special Excise Court No. 1, Bhojpur at Ara in connection with Jagdishpur P.S. Case No. 150 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/relative 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.

(Rajiv Roy, J)

Adnan/-

U		T	
---	--	---	--

