

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48809 of 2024

Arising Out of PS. Case No.-119 Year-2024 Thana- ISLAMPUR District- Nalanda

Ajit Sapera @ Ajit Kumar Son of Budhu Sapera @ Budhu Nat R/O Vill.-
Ichahos Takiyapar, P.S.- Islampur, Dist.- Nalanda Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Adv.

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 25-10-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Islampur P.S. Case No. 119 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition & Excise Act 2018 lodged on 19.03.2024 by the informant, Sanjay Kumar Mishra.

3. As per the prosecution story, the informant upon information, went to the place at Alangpur and recovered/seized 120 liters wine kept in 12 plastic gallons of 10 liters each. One Ranju Devi was taken into custody and she gave the names of host of persons including the petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that nothing has been recovered from his conscious possession and his name has come only on the basis of the alleged confession before the police by one Ranju Devi. His further submission is that a similarly situated accused persons, namely, Anita Devi and Rina Devi have been



granted bail in Cr. Misc. No. 45893 of 2024 and Cr. Misc. No. 42176 of 2024 respectively.

5. Learned APP opposes the prayer submitting that after the alleged recovery/seizure, Ranju Devi was arrested and she has given the name of the accused persons.

6. Taking into account the submission put forward by the parties as also the fact that the recovery/seizure is from an open place, nothing has been recovered from his conscious possession, the name has come in the confessional statement of Ranju Devi, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, named above, be released on bail, in the event of her 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 Islampur P.S. Case No. 119 of 2024 to the satisfaction of learned 4th Additional Sessions Judge cum Special Judge, Excise-II, Nalanda at Biharsharif 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 bailors should be the family member 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 one year to mark his attendance;

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

(v) 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;

(vi) 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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