

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46103 of 2024

Arising Out of PS. Case No.-87 Year-2024 Thana- MAHISHI District- Saharsa

Ram Bharosh Kumar @ Ram Bharos Sahni S/O Bapu Sahni @ Sauku Sahni
R/O Village- Jamalpur, Ward No. 3, P.S.- Jamalpur, District- Darbhanga
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-07-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Mahishi (Jalai O.P.) P.S. Case No. 87 of 2024 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Act lodged on 02.04.2024 by the informant, Amit Kumar.

3. As per the prosecution story, the informant upon secret information that a vehicle with foreign liquor is parked, reached the place and seized a white Scorpio. Though, the accused tried to escape, two of them, Jitan Kumar and Prince Kumar were nabbed and upon search, 351,63 litres of foreign liquor recovered/seized. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that though in the F.I.R., the vehicle has been attributed to the petitioner, it is his categorical submission that the vehicle do not belong to him, he never owned the said vehicle registration number which has come in the F.I.R. The last submission is that



he do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer submitting that as per the F.I.R., he is the owner.

6. Though, the F.I.R. says that he is the owner, in view of the categorical statement made by the learned Counsel for the petitioner, he has nothing to do with the said Scorpio having Registration Number inscribed in the F.I.R. and further he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

7. The concerned Court shall check the Registration papers of the vehicle and confirm whether it belongs to the petitioner or not. In case, the Registration paper matches with the name of the petitioner, the order shall become infructuous.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Saharsa in connection with Mahishi (Jalai O.P.) P.S. Case No. 87 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *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 attendance;

(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 the bail bonds.

(Rajiv Roy, J)

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