

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 48164 of 2024

Arising Out of PS. Case No.-254 Year-2024 Thana- Excise P.S. District- Siwan

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Ram Bharosh Kumar @ Ram Bharosa Kumar Son Of Shiv Ji Gond Village -
Moti Chhapar, P.S. - Mairwa, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Ms. Gulnar Begum

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-08-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Excise P.S. Case No. 254 of 2024 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Act lodged on 29.04.2024 by the informant, Kavindra Kumar.

3. As per the prosecution story, the informant alleged that upon information, one auto rick-saw was intercepted and though the accused managed to escape. Upon search, 33 liters of country-made liquor has been recovered/seized. This followed the F.I.R.

4. Learned Counsel for the petitioner submits that though petitioner is the owner of the vehicle in question, implicated in this case and the same was plied by his driver on



the road. Petitioner has no concern with the alleged recovery of liquor and no incriminating article has been recovered from his conscious possession. He further submitted that the petitioner has no knowledge regarding the goods loaded in the vehicle. Moreover, petitioner has no criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that petitioner is the owner of the seized vehicle.

6. Taking into account the fact that the recovery has not been made from the conscious possession of the petitioner and he has no criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

7. 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 Exclusive Special Excise Court No.-II, Siwan in connection with Excise P.S. Case No. 254 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 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;

(iv) 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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