

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48132 of 2024

Arising Out of PS. Case No.-227 Year-2024 Thana- DIGHA District- Patna

Niraj Kumar @ Munna Rai S/o Ramjivan Rai R/o Kurj iBalupar, Sadaquat
Ashram, P.S. Digha, Dist. Patna, Bihar-8000010

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Adv
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-08-2024 Heard Mrs. Shweta Anand, learned Counsel for the
petitioner and the State.

2. The petitioner apprehends his arrest in connection with Digha P.S. Case No. 227 of 2024 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 13.04.2024 by the informant Sanjay Paswan.

3. As per the prosecution story, the informant alleged that upon information of arrival of huge consignment of illicit liquor, the house of Munna Rai/Niraj Kumar (petitioner) was raided and in a jute bag, 72 liter Kingfisher beer recovered/seized. Accordingly the FIR.

4. Learned Counsel for the petitioner submits that the house does not belong to him and in that background, any recovery/seizure from the said house cannot be attributed to



him.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that as per the information, the house belongs to the petitioner.

6. Taking into account the aforesaid facts as also the fact that the petitioner is disputing the house from which the recovery/seizure has been made. According to him, it does not belong to him and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

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 Special Judge Excise, II, Patna in connection with Digha P.S. Case No. 227 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)

Vijay Singh/-

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