

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48175 of 2024

Arising Out of PS. Case No.-316 Year-2023 Thana- MANSI District- Khagaria

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AYUSH KUMAR SON OF VINAY SINGH Village-Charkhuti, Ward No. 14,
Rahimpur, P.S. - Muffasil, Distt. Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-08-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Mansi P.S. Case No. 316 of 2023 instituted under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 12.10.2023 by the informant, Subham Kumar.

3. As per the prosecution story, the informant alleged that upon secret information, three persons were intercepted, one managed to escape but two were apprehended. They were Gulshan Kumar and Pralabh Kumar, from the trolley, they were carrying, 14.25 liters of foreign liquor recovered/seized. The escaped person was named as this petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession, only



because of his earlier criminal antecedent, implicated. Learned counsel for the petitioner further submits that he shall cooperative in the investigation and diligently appearing in trial.

5. Learned APP opposes the prayer submitting that he has criminal antecedent.

7. Considering the aforesaid submission as also the fact that the recovery/seizure is from Gulshan Kumar and Pralabh Kumar, the name of the petitioner has come in the confessional statement, FIR lodged, will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event of his 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 Mansi P.S. Case No. 316 of 2023 to the satisfaction of learned Exclusive Special Excise Judge-1st, Khagaria 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 bailor should be the family member/relative 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 month for next one year to mark his attendance;

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

(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 his bail bonds.

(Rajiv Roy, J)

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