

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48302 of 2024

Arising Out of PS. Case No.-131 Year-2024 Thana- PARBATTa District- Khagaria

Rajendra Ray Son of Late Adhik Roy R/O Vill.- Mojahida, P.S.- Parbatta,
Dist.- Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Advocate

For the Opposite Party/s : Ms.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-08-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Parbatta P.S. Case No. 131 of 2024 instituted under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 02.04.2024 by the informant, Ram Mohan Singh.

3. As per the prosecution story, the informant alleged that upon information of selling of illegal wine by the petitioner, the place was raided and four liters of country made wine recovered in a five liter gallon. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession, it is a thatched house open from all sides and in that background, any recovery/seizure cannot be attributed to him. The last



submission is that the petitioner do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that the recovery/seizure from his thatched house.

6. Taking into account the aforesaid submission as also the fact that the petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

7. 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 Parbatta P.S. Case No. 131 of 2024 to the satisfaction of learned Special Judge Excise-IInd, 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 fortnight for next six months 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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