

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48011 of 2024

Arising Out of PS. Case No.-54 Year-2024 Thana- BADHAILA District- Rohtas

Raja Sah @ Raja Kumar Sah Son Of Basant Sah @ Bashant Sah Resident Of
Village- Siyawak, P.S.- Baghaila, District- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Advocate
For the State : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-08-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Baghaila P.S. Case No. 54 of 2024 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 10.03.2024 by the informant, Navin Kumar.

3. As per the prosecution story, the informant got information during patrolling duty that the accused persons have stored India made foreign liquor in the house of Vasant Shah. It was raided while other accused managed to escape, from the said house of Vasant Shah, 34.200 liters of IMFL recovered/seized, accordingly the F.I.R.

4. Learned counsel for the petitioner submits that he do not have criminal antecedent and the recovery has been made from the house of namely Vasant Shah, the police made to



confess only to implicate him. He is ready to abide by terms and conditions and will diligently appear in trial.

5. Learned APP opposes the prayer submitting that his name has cropped up along with other accused persons who used to sell liquor along with Vasant Shah and the liquor was stored in the house of said Vasant Shah.

6. Taking into account the fact of the case that the recovery has been made from the house of Vasant Shah, the petitioner do not have criminal antecedent, nothing has been recovered from the conscious possession and his name has come in the confessional statement, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. However, if it is found that the petitioner have criminal antecedent, the present order shall become infructuous.

8. Let the petitioner be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.1, Rohtas at Sasaram, in connection with Baghaila P.S. Case No. 54 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



(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;

(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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