

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49416 of 2024

Arising Out of PS. Case No.-140 Year-2024 Thana- KHAIRA District- Saran

Chotu Kumar @ Thepi @ Chhotu Kumar S/o Arun Sah R/O Of Vill.- Khaira,
PS- Khaira, Dist.- Saran at Chapra

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rajani Kumari, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-08-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Khaira P.S. Case No. 140 of 2023 instituted under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 10.05.2024 by the informant, Bablu Kumar.

3. As per the prosecution story, the informant alleged that one Scooty (TVS) was intercepted and 120 liters of country made liquor was recovered/seized. Sanjay Rai was apprehended and he named this petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that Sanjay Rai who caught alongwith the liquor and only because the petitioner has one criminal antecedent of the same nature, dragged in this case. He will be appearing in trial diligently. His further submission is



that the Scooty does not belong to the petitioner.

5. Learned APP opposes the prayer submitting that his name has come in the confession of Sanjay Rai.

7. Considering the aforesaid submission as also the fact on record, nothing has been recovered from his conscious possession nor the Scooty belongs to him, 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 Khaira P.S. Case No. 140 of 2024 to the satisfaction of learned Special Judge Excise-III, Saran at Chapra 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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