

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49418 of 2024

Arising Out of PS. Case No.-64 Year-2024 Thana- Excise P.S. District- Gaya

Rakesh Kumar Son of Satendra Singh @ Satyendra Singh Resident of Vill-
Amir Mahal Chhotki Delha, P.S.- Delha, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Thakur, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-08-2024 Heard Mr. Mahendra Thakur, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending arrest in connection with Excise (Sherghati) P.S. Case No. 64 of 2024 instituted under Section 30(a) and 56(b) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 31.03.2024 by the informant, Sneha Kumari.

3. As per the prosecution story, the allegation is that on secret information, a Scooty and motorcycle was intercepted and there is recovery of 21.75 liters of foreign liquor and 9.750 liters of foreign liquor from the motorcycle which followed the FIR.

4. Learned counsel for the petitioner submits that his name has cropped up showing him as the owner of the Scooty



whereas he has no concern with the said Scooty, is not the owner nor he claimed for the said vehicle.

5. Learned APP opposes the prayer submitting that he is owner of the Scooty.

6. Taking into account the clear declaration of the petitioner in para-14 that he has no concern with the Scooty, do not have criminal antecedent and there is no recovery from his conscious possession, this Court is inclined to extend him the privilege of anticipatory bail. However, if it is found that the petitioner has criminal antecedent, the order shall become infructuous.

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 Excise (Sherghati) P.S. Case No. 64 of 2024 to the satisfaction of learned Exclusive Excise Judge No.3, Gaya 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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