

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51525 of 2024

Arising Out of PS. Case No.-295 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Rakesh Kumar Son of Late Valeshwar Ray @ Late Baleshwar Ray R/o
Village- Jitwarpur Nizamat, Ward No.16, P.S.- Mufassil, District- Samastipur
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Adv.
For the Opposite Party/s : Mr.Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Mufassil P.S. Case No. 295 of 2023 instituted under section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022 lodged on 10.06.2023 by the informant, Ranjeet Kumar.

3. As per the prosecution story, the police on information, that the petitioner along with one Gaurav Kumar are in the business of sale and purchase of the illicit liquor, raided the house of Gaurav Kumar and recovered/seized 65 litres of foreign liquor. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that recovery/seizure has been shown from the house of Gaurav Kumar. The locals, due to enmity, gave the names of escaped persons as Gaurav Kumar as well as this petitioner only because



this petitioner has got criminal antecedent. Further submission is that the petitioner will be appearing diligently in the trial.

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

6. Taking into account the submissions as also the fact that the recovery of liquor has been made from the house of Gaurav Kumar, his name has cropped up in the identification of the locals, he will be diligently appearing in the trial, this Court is inclined to extend the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, named above, 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 to the satisfaction of learned Exclusive Special Judge, 1st, Samastipur in connection with Mufassil P.S. Case No. 295 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other following conditions:-

(i) one of the bailors should be the family member of the petitioners who shall provide official document to show his/her bona fide;



(ii) the petitioners 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 their bail bond by the Trial Court itself;

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

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners 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;

(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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