

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49555 of 2024

Arising Out of PS. Case No.-367 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Kundan Kumar SON OF DINANATH CHAUDHARY VILLAGE- ICHUA,
PS- NARDIGANJ, DIST- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-08-2024 Heard the parties.

2. The petitioner apprehends his arrest in connection with G.O. Case No. 367 of 2021 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Act lodged on 04.07.2021 by the informant Pushpa Kumari.

3. As per the prosecution story, the informant alleged that upon secret information, raided the place and recovered/seized 6800 kg of Mahua solution and 92 liters of Mahua liquor which was destroyed. The locals gave the name of the accused persons, the petitioner included. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that the recovery is from an open place, he has no role to play in the matter and the locals due to enmity have implicated him only because he has criminal antecedent. The police chose to incorporate his name in the FIR.



5. The further submission is that he will be cooperating in the investigation/diligently appearing in trial and the last submission is that without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs. 10,000/- to the District Legal Services Authority, Nawada for the exclusive use for the purchase of journals.

6. Learned APP opposes the prayer submitting that he has criminal antecedent.

7. Taking into account the aforesaid facts as also the recovery that is from an open place, he has been named by the locals and will be diligently appearing in trial, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 10,000/- to the District Legal Services Authority, Nawada as undertaken by the learned counsel for the petitioner.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-2, Nawada in connection with G.O. Case No. 367



of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *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 one year to mark 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 the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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