

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49567 of 2024

Arising Out of PS. Case No.-40 Year-2022 Thana- BASANTPUR District- Siwan

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Ankesh Kumar @ Ankesh Kumar Singh Son of Arvind Singh R/O Vill.-
Kishunpura, P.s.- Lakdinabiganj O.P., Dist.- Siwan

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Adv

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-08-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Basantpur (Lakdi Nabiganj OP) P.S. Case No. 40 of 2022 for the offence registered under section 30 (a) of the Bihar Prohibition and Excise Act, 2016 lodged on 31.01.2022 by the informant Aditya Kumar Singh.

3. As per the prosecution story, the police intercepted a motorcycle. Though the accused escaped, 5.40 liter liquor recovered from it. The locals gave the name of the escaped persons as Anil Kumar Rai and Ankesh Kumar (petitioner herein). Accordingly, the FIR.

4. As per the petition, the petitioner does not own the vehicle nor anything has been recovered from his conscious



possession.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that his name has come in the FIR.

6. Considering the fact that has been incorporated in the petition that the petitioner does not own the vehicle and he do not have criminal antecedent, this Court is inclined to grant him the anticipatory bail with conditions. However, if it is found that any of the statement regarding ownership of the vehicle and/or his criminal antecedent is/are incorrect, the order shall become infructuous.

7. 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 No. 1, Siwan in connection with Basantpur (Lakdi Nabiganj OP) 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 six months 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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