

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49342 of 2024

Arising Out of PS. Case No.-333 Year-2023 Thana- MAHNAR District- Vaishali

Prince Kumar @ Prince Choudhary S/o Ram Nandan Choudhary R/o Village-
Kharjamma, P.S.- Mahnar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-07-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Mahnar P.S. Case No. 333 of 2023 for the offence under section 30(a) of Bihar Prohibition and Excise Act lodged on 24.12.2023 by the informant, Pratap Kumar.

3. As per the prosecution story, the informant alleged that on secret information about presence of huge quantity of illegal liquor in the cow shed of Kameshwar Rai, raided the place and recovered/seized 222.78 liters liquor. Sujit Kumar was apprehended. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that Sujit Kumar confessed the name of the petitioner which led to this implication and further, only because he has criminal antecedent, has been implicated at the behest of the Police,



neither the cow shed belongs to him nor he has any role to play in it. Further, the submission is that without accepting the allegation, the petitioner intends to deposit Rs. 5,000/- with the Patna High Court Legal Services Committee.

5. Learned APP opposes the prayer submitting that his name has come in the confessional statement.

6. Taking into account the fact that the recovery/seizure is from a cow shed, his name has come in the confessional statement, FIR lodged and will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 5,000/- to the Patna High Court Legal Services Committee which will be used exclusively for the purchase of the journals as undertaken by the learned counsel for the petitioner.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned 2nd Additional Session Judge – cum – Exclusive Excise Court No. - 2, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 333 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



(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;

(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)

Adnan/-

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