

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51471 of 2024**

Arising Out of PS. Case No.-124 Year-2024 Thana- AMBA District- Aurangabad

Rajeshwar Singh Son of Late Shyam Narayan Singh R/o Village- Punawar,  
P.S.- Risiup, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Aman Vishal, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      21-08-2024                      Heard Mrs. Leelawati Kumari, learned counsel for  
the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Amba P.S. Case No. 124 of 2024 for the offence registered under sections 30(a) of The Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 17.06.2024 by the informant Dinesh Kumar.

3. As per the prosecution story, the informant, a police officer alleged that in course of patrolling, intercepted three motorcycles and though one Narendra Kumar was arrested, the other accused managed to escape. Further, from the motorcycles, total 140.4 liters country made liquor recovered/seized. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that he



owns one of the motorcycle from which there is recovery of 66.24 liters of country made liquor. The further submission is that Narendra Kumar who is related to the petitioner's daughter-in-law had taken the motorcycle. The petitioner later realized that Narendra Kumar was carrying liquor. He is an old age person and is ready to abide by the terms and conditions.

5. Learned APP for the State, Mr. Nand Kumar on the other hand, opposes the prayer for anticipatory bail submitting that he being the owner of the vehicle cannot exonerate himself from the responsibility.

6. Considering the aforesaid submissions put forward by the parties are also that the petitioner is an aged person, do not criminal antecedent, the relative who took the motorcycle has already been arrested, this Court is inclined to grant him the anticipatory bail with conditions.

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 Special Judge, Excise Court No. 1, Aurangabad (Bihar) in connection with Amba P.S. Case No. 124 of 2024 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 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;

(iv) 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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