

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49410 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- Parasi District- Arwal

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1. Sonu Kumar Son of Shaligram Dube Resident of Vill- Babhanbigaha, P.S.- Parasi, District- Arwal.
 2. Ranjeet Kumar Son of Late Binod Saw Resident of Vill- Babhanbigaha, P.S.- Parasi, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-08-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Parasi P.S. Case No. 41 of 2024 instituted under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 21.04.2024 by the informant, Sanjay Kumar.

3. As per the prosecution story, the informant alleged that while on patrolling duty, got information that some accused are selling illicit country made liquor, upon sight of the police, they escaped but one Sahab Saw was arrested and he gave the names of the escaped persons as these petitioners. Further, there was recovery of 60 liters of illicit country made liquor from the



bag as also seizure of the motorcycles.

4. Learned counsel for the petitioners submit that only because they have criminal antecedent, named. Neither they were present on the spot nor anything recovered from their conscious possession even the motorcycles that have been seized, do not belong to them.

5. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to contribute Rs. 10,000/- each (totalling Rs. 20,000/-) to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer stating that the persons who were apprehended, gave the names of the accused person and they have criminal antecedent.

6. Taking into account the aforesaid facts as also though they have criminal antecedent, nothing has been recovered from their conscious possession and according the learned counsel for the petitioners, the vehicle seized do not belong to them, in that background, this Court is inclined to extend them the privilege of anticipatory bail. If however, it is found that any of the motorcycle belongs to the petitioners, the order shall become infructuous.



7. Let the petitioners be released on bail, in the event of their 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) each with two sureties of the like amount each in connection with Parasi P.S. Case No. 41 of 2024 to the satisfaction of learned Special Judge Excise-II, Jehanabad subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor 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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