

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49849 of 2024

Arising Out of PS. Case No.-287 Year-2022 Thana- NAUTAN District- Siwan

Abhay Kumar son of Mukund Choudhary Village- Ram Nagar Chhawani Ps-
Bhagwan Bazar Dist- Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahuldeo Verman, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-08-2024

Heard the parties.

2. The petitioner is apprehending arrest in connection with Nautan P.S. Case No. 287 of 2022 instituted under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 05.12.2022 by the informant, Pramod Das.

3. As per the prosecution story, the police in course of patrolling got information and intercepted a motorcycle, one person was caught while other managed to escaped. The arrested person Gauri Shankar Sah gave the name of other person as Prince Yadav. There is recovery of 209 liters of Bunty-Bublee liquor and 41.800 liters of country made liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that admittedly, from the FIR itself, the motorcycle was being driven



by Gauri Shankar Sah/Prince Yadav. The petitioner was not present there and only because he is the owner of the vehicle, implicated. Last submission is that he do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that being the owner of the vehicle, he cannot shrug off his responsibility.

6. Taking into account the aforesaid facts as also that the petitioner being the owner has to face the music, he do not have criminal antecedent, as per the FIR, Gauri Shankar Sah was arrested and Prince Yadav escaped, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his 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) with two sureties of the like amount each in connection with Nautan P.S. Case No. 287 of 2022 to the satisfaction of learned Exclusive Special Excise Court No.II, Siwan 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/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;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(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)

Ravi/-

U		T	
---	--	---	--

