

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52371 of 2024

Arising Out of PS. Case No.-110 Year-2024 Thana- PUNAURA District- Sitamarhi

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Hari Kishor Rai S/o Usi Charan Rai R/o vill - Kharka, P.S. - Punaura, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 27-09-2024 Heard Mr. Pushpendra Kumar Singh, learned
counsel for the petitioner and the State.

2. The petitioner is apprehending arrest in connection with Punaura P.S. Case No. 110 of 2024 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2018 lodged on 25.05.2024 by the informant, Dharmendra Kumar Singh.

3. As per the prosecution story, the informant alleged that he intercepted a tempo and recovered/seized 120.00 liters of Nepali Saufi liquor. The local Chouwkidar gave the name of Binod Rai, Arbind Rai and Harikishor Rai (petitioner). Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the tempo does not belong to him, he do not have criminal antecedent, the police implicated the petitioner on the basis of



statement of the Chowkidar who due to enmity named this petitioner.

5. Learned APP opposes the prayer submitting that his name has cropped up in the statement of Chowkidar.

7. Considering the aforesaid submission as also the fact that the tempo from which the alleged recovery has been made does not belong to the petitioner, do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

8. 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 Punaura P.S. Case No. 110 of 2024 to the satisfaction of learned Exclusive Special Excise Court-1, Sitamarhi 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 bailors 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 co-operate in the investigation and make himself available to the police as and when required;

(v) 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;

(vi) 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 bonds.

(Rajiv Roy, J)

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