

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51746 of 2024

Arising Out of PS. Case No.-303 Year-2024 Thana- NAGAR District- Vaishali

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MANOJ KUMAR S/O SUDHARSHAN PRASAD CHAURASHIYA R/O
Bhairopur Nizamat, P.S- Doriganj, Dist- Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-08-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Excise Hajipur Town P.S. Case No. 303 of 2024 for the offence registered under sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 03.05.2024 by the informant Sanjay Kumar.

3. As per the prosecution story, the informant while patrolling, intercepted a motorcycle, Gaurav Kumar and Raushan Kumar were apprehended and there is a recovery/seizure of 750ml foreign liquor. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that he is the owner of the vehicle and the neighbour had taken away the motorcycle little realising that they are carrying the liquor.



The further submission is that he do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the petitioner is the owner of the vehicle.

6. Taking into account the aforesaid facts that the recovery/seizure is from the two accused persons, the petitioner is the owner, FIR lodged, he will be facing the trial, further, do not have criminal antecedent, 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 Exclusive Special Excise Court No. 1-cum-Additional District & Session Judge, Vaishali in connection with Hajipur Town P.S. Case No. 303 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 appear before the concerned police station every fortnight for next six months to mark 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 the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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