

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51400 of 2024

Arising Out of PS. Case No.-193 Year-2024 Thana- SULTANGANJ District- Patna

Satish Kumar S/o Laldhari Sao R/o House No. 1, Shahganj, P.s. - Sultanganj,
Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-08-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Sultanganj P.S. Case No. 193 of 2024 for the offence under Sections 30(a) and 37 of the Bihar Excise Act lodged on 09.05.2024 by the informant, Vinit Kumar Singh.

3. As per the prosecution story, the informant alleged that while on patrolling duty, it reached near 'Maa Bhojnalaya' where the two accused persons tried to flee the spot but were arrested (namely Rahul Kumar son of Sashi Yadav and another Rahul son of Shailendra Choudhary). Further, they were in inebriated state and from the *dicky* 1.440 liter of foreign liquor recovered/seized. Accordingly the FIR.

4. Learned counsel for the petitioner submits that he is none of the two apprehended accused, is actually the owner of



the vehicle and simply because his scooty was taken by the two accused persons, implicated.

5. Learned APP opposes the prayer submitted that he being the owner of the vehicle cannot be exonerated of the responsibility.

6. Taking into account the submissions as also that the recovery/seizure, admittedly, is from the two accused namely Rahul Kumar and Rahul and this petitioner being the owner will have to face the trial as the FIR has been lodged against him also, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Special Judge Excise Act, Patna City in connection with Sultanganj P.S. Case No. 193 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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;

(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)

Adnan/-

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