

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51405 of 2024

Arising Out of PS. Case No.-185 Year-2023 Thana- KUNDWACHAINPUR District- East
Champaran

Narath Kumar @ Narad Kumar S/o Fuldev Ram R/o vill - Nankar Patahi, P.S.
- Patahi, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Adv.

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

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 Kundwa Chainpur P.S. Case No. 185 of 2023 for the offence registered under sections 30(a)/41(1) of Bihar Prohibition & Excise Act, 2018 lodged on 21.12.2023 by the informant Mukesh Kumar.

3. As per the prosecution story, the informant alleged that upon information, during patrolling duty, intercepted a motorcycle but the driver managed to escape, the pillion driver was apprehended and 46.8 liter countrymade liquor recovered/seized. The apprehended person, Uday Kumar gave the name of the person escaped as Naradh Kumar (the petitioner herein). Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that



neither the motorcycle belongs to him nor he has anything to do with the alleged recovery. It is an admitted fact that it has been recovered from Uday Kumar and he has named him. The last submission is that the petitioner do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the arrested person has named him.

6. Taking into account the aforesaid facts as also that the motorcycle does not belong to him, he do not have criminal antecedent. The alleged recovery is from Uday Kumar, 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 Court of Exclusive Special, Excise Court No. 3 Motihari, East Champaran in connection with Kundwa Chainpur P.S. Case No. 185 of 2023 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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