

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51656 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- Dehri Mufassil District- Rohtas

Chandan Kumar Son of Uma Shankar Singh R/V- NARSINGH BIGAHA,
P.S.- DEHRI (M), DISTT.- ROHTAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy, Advocate

For the Opposite Party/s : Ms.Shaheen Begum, 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 Dehri (Muffasil) P.S. Case No. 78 of 2024 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 16.05.2024 by the informant, Shubham Kumar.

3. As per the prosecution story, the informant received a secret information about concealment of the wine in a bush near jackfruit tree, he reached there and found one person with two bags in his hand moving towards a temple but upon sight of the police, threw the bags and escaped. From it, 50 liters of country made liquor recovered/seized which followed the FIR.

4. Learned counsel for the petitioner submits that due to enmity, the 'Chowkidar' named him. He has nothing to do with the recovered liquor and further do not have criminal



antecedent.

5. Learned APP opposes the prayer submitting that the 'Chowkidar' named him.

6. Taking into account the aforesaid facts that the recovery is from the two sacks and not from his conscious possession and he do not have criminal antecedent, 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 Dehri (Muffasil) P.S. Case No. 78 of 2024 to the satisfaction of learned Exclusive Special Judge, Excise Court No.1, Rohtas at Sasaram 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)

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