

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51649 of 2024

Arising Out of PS. Case No.-190 Year-2024 Thana- ROHTAS District- Rohtas

Balrati Singh SON OF SITARAM SINGH VILLAGE- PADARIYA, PS-
ROHTAS (AMJHOR), DIST- 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.Indu Kumari Srivastava, 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 Rohtas (Amjhor) P.S. Case No. 190 of 2024 instituted under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 & 2022 lodged on 19.05.2024 by the informant, Upendra Kumar.

3. As per the prosecution story, the informant alleged that upon secret information, as they moved towards Aaher, one person tried to escape after throwing the bag. From it, there was recovery of 10 liters country made wine. Local gave his name. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that admittedly, nothing has been recovered from his conscious possession and only because local gave his name, he has been



implicated. The further submission is that the petitioner do not have criminal antecedent.

5. Mr. Jitendra Kumar Singh, learned APP opposes the prayer submitting that the local gave the name of the petitioner.

6. Taking into account the aforesaid facts as also the recovery of 10 liters of country made wine from an abandoned bag, nothing has been recovered 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 Rohtas (Amjhor) P.S. Case No. 190 of 2024 to the satisfaction of learned Exclusive Special Excise Court No.2 cum Additional District and Sessions Judge, 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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