

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51673 of 2024

Arising Out of PS. Case No.-149 Year-2023 Thana- DHANSOI District- Buxar

Vikash Kumar Son of Bihari Chaudhary R/O Vill.- Bagadh, P.s.- Dinara,
Dist.- Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Om Prakash Upadhyay, Advocate

For the Opposite Party/s : Ms.Sharda Kumari, 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 Dhansoi P.S. Case No. 149 of 2023 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2018 lodged on 07.10.2023 by the informant, Jamshed Alam.

3. As per the prosecution story, the informant alleged that during night patrolling, he intercepted a motorcycle. However, the accused after leaving the motorcycle escaped. From it, the police found 54 liters (270 of pieces of 200 ml blue line country made liquor) recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he is the owner of the vehicle and accordingly, implicated, little realizing that the same will be utilized in carrying the liquor.



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

5. Learned APP opposes the prayer for bail.

6. Taking into account the fact that nothing has been recovered from his conscious possess and the petitioner 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 Dhansoi P.S. Case No. 149 of 2023 to the satisfaction of learned Special Judge, Excise Court No.I, Buxar 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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