

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51692 of 2024

Arising Out of PS. Case No.-279 Year-2024 Thana- SAUR BAZAR District- Saharsa

Ramchandra Sharma Son of Kamkuran Sharma @ Kameshwar Sharma R/V-
VILLAGE- KABAILA, WARD O. 8, P.S.- SOUR BAZAR, DISTT.-
SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, 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 Sour Bazar P.S. Case No. 279 of 2024 for the offence under Sections 30(a), 30(c) of the Bihar Prohibition & Excise Act lodged on 19.04.2024 by the informant, Munshi Musafir Yadav.

3. As per the prosecution story, the police upon information that the petitioner is selling illicit liquor from his house, raided the place and arrested one Nitish Kumar and on search, 10 liters of country made liquor and 250 liters java mahua recovered/seized. The apprehended accused, Nitish Kumar named this petitioner, this followed the FIR.

4. Learned counsel for the petitioner submits that



recovery/seizure is from the house which is a joint property, he was not present at the place and as such, any recovery/seizure cannot be attributed to him and the last submission is that he do not have any criminal antecedent.

5. Learned APP opposes the prayer submitting that recovery/seizure is from his house.

6. Taking into account the aforesaid facts/submission that the recovery is from a place which is a joint property, he do not have criminal antecedent and is an aged person, 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 Exclusive Special Judge in connection with Sour Bazar P.S. Case No. 279 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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