

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55066 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- UCHKAGAON District- Gopalganj

Vishal Kumar SON OF SHAILENDRA PATEL VILLAGE- TITRA, PS-
MAIRWA, DIST- SARAN Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-09-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Uchakagaon P.S. Case No. 21 of 2024 for the offence under sections 30(a) and 30(b) of the Bihar Prohibition and Excise Act, 2022 lodged on 20.01.2024 by the informant, Manish Kumar.

3. As per the prosecution story, the informant alleged that in course of patrolling, two Scorpio vehicles coming from Uttar Pradesh side were intercepted and in the process of escaping, one vehicle dashed against the tree while another one stopped. One of the accused managed to escape while two accused persons were apprehended who disclosed their name as Adarsh Kumar and Chandan Ram. From the two Scorpio vehicles, there is recovery of 279 litres of country made liquor and 630.720 litres of english liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he owns one of the vehicles and as such implicated. Actually, it was



given to the driver for hire purposes little realizing that it will be used for the supply of the liquor. The last submission is that the petitioner has got no criminal antecedent and further, without accepting the allegation, the petitioner intends to deposit Rs. 5000/- with the Legal Services Committee, Gopalganj (exclusively for the purchase of journals).

5. Learned APP opposes the prayer submitting the the petition owns the vehicle wherefrom 630.72 litres of illicit foreign liquor has been recovered.

6. Though the petitioner owns the vehicle, there is recovery also, as per the defence, it was given to the driver, he has no knowledge and further has got no criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail, subject to deposit of Rs. 5000/- with the Legal Services Committee, Gopalganj.

7. Let the petitioner, above named, 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) with two sureties of like amount each to the satisfaction of learned ADJ-XIII cum Special Excise Court no. 1, Gopalganj in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of



the Cr.P.C. as well as the following conditions:-

- (i) one of the bailors 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)

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