

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55702 of 2024

Arising Out of PS. Case No.-322 Year-2024 Thana- SONEPUR District- Saran

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Deepu Kumar Son Of Gagdish Mahto R/V- Village- Shivpur, P.S.- Sonapur,
Distt.- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Avinash Kumar Pandey, Advocate
For the State : Md. Anzarul Haque Sahara, APP

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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 Sonapur P.S. Case No. 322 of 2024 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 09.04.2024 by the informant, Rajnandan.

3. As per the prosecution story, the informant alleged that in course of patrolling, upon secret information, went to the village Rahempur at Domaghat-Diyara and from the bushes, 240 liters country made liquor recovered/seized.

4. Learned counsel for the petitioner submits that he is a labour working in Delhi and only due to enmity, implicated. Further, admittedly, the recovery is from an open place/bushes of the Diyara for which, he cannot be implicated, the last submission is that he do not have criminal antecedent.



5. Learned APP opposes the prayer.

6. Considering the aforesaid facts as also the recovery which is from the bushes, he do not have criminal antecedent, nothing has been recovered from his conscious possession, this Court is inclined to extend him the privilege of anticipatory bail.

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) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-cum-2nd Exclusive Special Excise Judge, Saran at Chapra, in connection with Sonapur P.S. Case No. 322 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following 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/her 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/her bail bonds.

(Rajiv Roy, J)

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