

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55003 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- KISHANGANJ District- Kishanganj

Subhan @ Subham Ansari @ Subhan Ansari Son of Azizul @ Azzizur Ansari
Resident of Village - Khagra, Machhamara, Ward No.- 32, P.S.- Kishanganj,
District - Kishanganj (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

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 Special Case No. 37 of 2024 arising out of Kishanganj P.S. Case No. 79 of 2024 for the offence under Sections 30(a) of Bihar Prohibition & Excise Act lodged on 05.03.2024 by the informant, Rakesh Kumar.

3. As per the prosecution story, the informant alleged that upon information, in the semi-constructed house of the petitioner liquor is being sold, the police reached there and found people escaping. Upon search 20.400 litre country made liquor recovered/seized accordingly the FIR.

4. Learned counsel for the petitioner submits that it is a semi-constructed house having access to everyone. There is no



recovery from his conscious possession and his last submission is that he does not have any criminal antecedent.

5. Learned APP, Mr. Jitendra Kumar Singh opposes the prayer for anticipatory bail and submits that it has been recovered/seized from the semi constructed house of the petitioner.

6. Considering the submissions as also the facts that the recovery is from his house which is accessible to everyone, it is semi constructed and further he do not have any 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 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 Additional District Judge-II-cum Special Judge(Excise-I), Kishanganj in connection with Special Case No. 37 of 2024 arising out of Kishanganj P.S. Case No. 79 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year 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)

Ankit Kumar/-

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