

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55707 of 2024

Arising Out of PS. Case No.-352 Year-2023 Thana- PHULPARAS District- Madhubani

Rajesh Kumar @ Rajesh Yadav @ Ranjan Kumar Son of Dineshwar Yadav @
Dinesh Yadav Resident of Village - Siswabarhi, P.S.- Phulparas, District -
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate
Ms. Nitu Kumari, Advocate
For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2024 Heard Ms. Nitu Kumari, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending arrest in connection
with Phulparas P.S. Case No. 352 of 2023 instituted under
Section 30(a) of the Bihar Prohibition and Excise Act lodged on
25.06.2023 by the informant, Aditya Kumar Bhagat.

3. As per the prosecution story, the informant upon
secret information, reached the backside of the house of the
petitioner and recovered/seized 156 liters of Nepali liquor.
Accordingly, the FIR.

4. Learned counsel for the petitioner submits that
admittedly, the recovery is from an open place (back side of the
house of the petitioner) which has access to everyone and only



to implicate him, the Chowkidar has named him.

5. Learned APP opposes the prayer submitting that the recovery is from back side of the house of the petitioner.

6. Considering the aforesaid submission as also that nothing has been recovered from his conscious possession rather from back side of the house of the petitioner, 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 Phulparas P.S. Case No. 352 of 2023 to the satisfaction of learned Special Judge Excise Act, Jhanjharpur, Madhubani 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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