

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56068 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- MALI District- Aurangabad

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Omprakash Kumar SON OF MUSAPHIR RAM VILLAGE- SORI, PO-
SORI, PS- MALI, DIST- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-09-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Mali P.S. Case No. 45 of 2024 for the offence registered under sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 12.03.2024 by the informant Vinay Kumar.

3. As per the prosecution story, the informant alleged that during patrolling, it found two people coming on a motorcycle and on the sight of the police, they escaped leaving the motorcycle. The locals gave the name as Jayprakash Kumar and Sonu Kumar. From it, 4 litre Mahua wine was recovered/seized. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that he



had given the motorcycle to his brother little realising that he will be carrying Mahua. Further, he submits that only because he is the owner, implicated. The last submission is that he do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the motorcycle belongs to him.

6. Taking into account the submissions as also the fact that nothing has been recovered from his conscious possession, he being the motorcycle owner, FIR is there and he will be facing the trial, this Court is inclined to grant him the anticipatory bail with conditions.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned court of Special Judge, Excise Court No. 02 Aurangabad in connection with Mali P.S. Case No. 45 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official



document to show his *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 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 the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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