

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55934 of 2024

Arising Out of PS. Case No.-93 Year-2024 Thana- KUTUMBA District- Aurangabad

Dhanjit Kumar S/o Rajesh Paswan Resident of Village- Ankupa, P.S.-
Kutumba, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Mohammed Arif, APP

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 Kutumba P.S. Case No. 93 of 2024 for the offence registered under sections 30(a) of Bihar Prohibition and Excise Act, 2018 lodged on 22.05.2024 by the informant Prashant Trivedi.

3. As per the prosecution story, the informant alleged that upon secret information that two persons were moving on a motorcycle with liquor, vehicle checking was done. At the sight of vehicle checking, one of the motorcycle driver tried to escape. One of them was apprehended, he gave his name as Guddu Kumar and further gave the name of the other person as Dhanjit Kumar, upon search of the motorcycle, 51.20 litre



english liquor recovered/seized. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that admittedly, the recovery is from Guddu Kumar, the petitioner has been named only because he has criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the apprehended person has named him.

6. Considering the aforesaid submission as also the fact that nothing has been recovered from his conscious possession, name has come in the confession of Guddu Kumar before the police. FIR lodged, 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 Special Judge, Excise, Court No. 1, Aurangabad, Bihar in connection with Kutumba P.S. Case No. 93 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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