

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60621 of 2024

Arising Out of PS. Case No.-304 Year-2022 Thana- BARSOI District- Katihar

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AMIT KUMAR BASAK @ AMIT KR BASAK S/O PRAN MOHAN
BASAK R/O VILLAGE- GARGAON, P.S- KOCHADHAMAN, DIST.-
KISHANGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar

For the Opposite Party/s : Mr.Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-09-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Barsoi P.S. Case No. 304 of 2022 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 05.11.2022 by the informant, Bhola Kumar.

3. As per the prosecution story, the informant upon suspicion intercepted a tempo and recovered/seized 11.10 litres of country made illicit liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that admittedly, the driver was intercepted and arrested and from his possession, the alleged recovery has been made. He being the owner, has been implicated in this case having no criminal antecedent.



5. Learned APP opposes the prayer.

6. Considering the submission put forward by the parties and also the fact that the driver was arrested along with liquor, petitioner is the owner of the vehicle, he will have to ultimately face the trial, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, above named, 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 ADJ-cum Exclusive Special Excise Court no. 02, Katihar in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

(i) one of the bailors 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;

(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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