

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58369 of 2024

Arising Out of PS. Case No.-249 Year-2023 Thana- SASARAM MUFFSIL District- Rohtas

Pintu Kumar @ Pintu Chaudhary Son of Parash Chaudhari R/O Vill.-
Sitabigha, P.O.- Karwandiya, P.S.- Sasaram(M), Dist.- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Sasaram (M) P. S. Case No. 249 of 2023 dated 16-05-2023
instituted for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. The allegation is of recovery of total 15 litres of
illicit liquor from Railway over bridge west side of *Kaw* river
Sita Bigha.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that the petitioner has not been
apprehended from the spot and the police has not disclosed the
source of identification of the petitioner in the FIR. It is further



submitted that nothing has been recovered either from conscious possession of the petitioner or from the house of the petitioner. The seizure has been made from open place, which is accessible to all. Lastly, it has been submitted that petitioner has two criminal cases against him of same nature.

5. Learned APP has opposed the prayer for anticipatory bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No.2-cum-Additional District and Sessions Judge, Rohtas at Sasaram, in Sasaram (M) P. S. Case No. 249 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation,



preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

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