

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60787 of 2024

Arising Out of PS. Case No.-222 Year-2023 Thana- BHAGWAN BAZAR District- Saran

Irfan Ali S/o- Mumtaz Ali Village- Saraiya Ratwara Chandan Paro PS-
Muzaffarpur Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

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 Bhagwan Bazar P.S. Case No. 222 of 2023 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 29.05.2023 by the informant, Kamlesh Singh.

3. As per the prosecution story, the informant alleged that in course of patrolling, it came to knowledge that Abhay Kumar Sah and Nirbhay Kumar Sah have kept foreign liquor in their scooty in front of their house to take it somewhere else. Accordingly, the said place was raided, the scooty was found with a big plastic sack on it, upon search 15 liters and 03ml foreign liquor recovered/seized. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that he



being the owner, implicated. It was taken away by the two brothers and he had little knowledge about the same being used for transportation of liquor. The last submission is that he do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that the petitioner owns the scooty.

6. Considering the submissions put forward by the parties as also the fact that allegation is against the two brothers, this petitioner being owner, his name has come in the F.I.R. and will have to face the trial, he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner 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 1st Exclusive Special Excise Court, Saran at Chapra, in connection with Bhagwan Bazar P.S. Case No. 222 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following 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/her 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/her bail bonds.

(Rajiv Roy, J)

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