

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60905 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- KACCHWA District- Rohtas

Manoj Kumar Singh Son of Meghnath Singh Resident of Vill- Mangraon,
P.S.- Kachhawa, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Adv.
For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-09-2024 Heard Ms. Riya Singh, learned Counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Kachhawa P.S. Case No. 41 of 2024 for the offence
registered under sections 30(a) of the Bihar Prohibition &
Excise Act, 2018 lodged on 23.04.2024 by the informant
Naulesh Prasad Singh.

3. As per the prosecution story, the informant alleged
that during the evening patrolling, on secret information that a
person is riding a motorcycle having sack on his back, the same
was intercepted. However, on the sight of police, he tried to take
a U-turn and in the process, fell down and was caught by the
armed forces. Still he managed to escape and from the search of
the bag, 42 litres country made *Mahua* recovered/seized. The
petitioner being the owner of the motorcycle, the FIR.

4. Learned Counsel for the petitioner submits that



neither he has been apprehended from the spot nor anything has been recovered from his conscious possession, only because he had given his motorcycle to his friend and the same is registered to his name, he is in custody. The name of the friend has also been incorporated as Anil Yadav. The last submission is that the petitioner 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 aforesaid facts as also the fact that he had given the motorcycle to his friend, nothing has been recovered from his conscious possession and he do not have criminal antecedent, 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 Exclusive Special Judge, Excise Court No. 1, Rohtas at Sasaram in connection with Kachhawa P.S. Case No. 41 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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