

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60684 of 2024

Arising Out of PS. Case No.-264 Year-2024 Thana- Excise P.S. District- Purnia

Shantanu Kumar Son of Hari Shankar yadav R/o vill - Raghunathpur ward no. 8, P.S. - Murliganj, Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr.Ajay Kumar No. 2, 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 Excise P.S. Case No. 264 of 2024 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 05.03.2024 by the informant, Dharmendra Kumar Ram.

3. As per the prosecution story, the informant alleged that in course of patrolling duty, the vehicles coming from West Bengal were checked and in that process, one Mahindra TUV 300 was intercepted, 288.030 litres of foreign liquor was recovered. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he being the owner has been implicated, the same was handed over to one Brajesh Kumar Yadav for using the same for his hostel



purposes (Annexure-2) to the petition. He submits that as the registration certificate was in his name, implicated. The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to deposit Rs. 15,000/- with the District Legal Services Authority, Madhepura (exclusively for the purchase of journals).

5. Learned APP opposes the prayer submitting that the vehicle stands registered in his name.

6. Taking into account the submissions as also the fact that the vehicle was let out to a hostel owner, he is young student of 21 years, this Court is inclined to extend him the privilege of anticipatory bail, subject to payment of Rs. 15,000/- with the District Legal Services Authority, Madhepura (for the purchase of journals).

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 Exclusive Special Judge Excise Court no. II, Purnea 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 one year 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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