

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60800 of 2024

Arising Out of PS. Case No.-226 Year-2024 Thana- BAHADURPUR District- Darbhanga

1. Arbind Kumar Son of Kamal Sah R/V-Village- Chhitrauli, P. S. - Chhitrauli, Kurhani, Distt.- Muzaffarpur
2. Sangita Devi Wife of Arbind Kumar R/V-Village- Chhitrauli, P. S. - Chhitrauli, Kurhani, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-09-2024 Heard Mr. Sadab Alam, learned counsel for the petitioner and Ms. Shaheen Begum, representing the State.

2. The petitioners are apprehending their arrest in connection with Bahadurpur P.S. Case No. 226 of 2024 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 27.06.2024 by the informant, Surendra Prasad.

3. As per the prosecution story, the informant alleged that upon secret information, 14 wheel truck was intercepted and though, the driver tried to escape, was arrested along two other persons sitting inside. There is recovery of twenty-four litres foreign liquor. Accordingly, the F.I.R.

4. Learned counsel for the petitioners submits that while the petitioner No. 2, a lady is the truck owner, the husband (petitioner



No. 1) had put in his barcode for the toll plaza and as such he too has been implicated. They have no role to play in the matter and the truck driver, without any information was carrying the foreign liquor. The last submission is that they do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that they being the owner cannot shrugg off their responsibility.

6. Having gone through the facts of the case as also the averments made by the parties and further the driver along with two others sitting there already arrested and recovery has been made from them, these petitioners are owner of the truck and ultimately will face the trial, they do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioners 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) each with two sureties of like amount each to the satisfaction of learned Special judge 1st (Excise Act), Darbhanga/concerned Court, in connection with Bahadurpur P.S. Case No. 226 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners 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;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

8. Before parting this court would like to put on record the words of appreciation for Md. Sadab Alam for the proper assistance rendered.

(Rajiv Roy, J)

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