

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60661 of 2024

Arising Out of PS. Case No.-561 Year-2024 Thana- Excise P.S. District- Aurangabad

Jitendra Thakur Son of Suresh Thakur Resident of Village- Makoli, Niche
Ghaura, Near Makoli School, P.S.- Chandrapur, Dist.- Bokaro, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyam Kishore, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-09-2024 Learned counsel for the petitioner submits that he will be filing supplementary affidavit in course of the day bringing on record the details of rejection of the bail application by learned Special Judge, Aurangabad.

2. Heard the parties.

3. The petitioner is apprehending his arrest in connection with Aurangabad Excise P.S. Case No. 561 of 2024 for the offence under sections 30(a) and 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 09.06.2024 by the informant, Rahmat Zaman.

4. As per the prosecution story, the informant alleged that in course of patrolling, a motorcycle was seen coming with two people having a bag. When it was signalled to stop, they managed to escape leaving the motorcycle from which, 20 litres of country made liquor as also 2.250 litres of foreign liquor were recovered from a plastic bag. The petitioner being the owner, the FIR.

5. Learned counsel for the petitioner submits that



though the motorcycle belongs to him, it was given to his friend little realizing that it will be used for the supply of the liquor. The last submission is that the petitioner has got no criminal antecedent and further, without accepting the allegation and/or the outcome of the present petition, the petitioner intends to deposit Rs. 5000/- with the District Legal Services Authority, Aurangabad (exclusively for the purchase of journals).

6. Learned APP opposes the prayer submitting the motorcycle belongs to the petitioner.

7. Considering the aforesaid facts as also the fact that the petitioner being 28 years of age, is in studies and has got no criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail, subject to payment of Rs. 5000/- with the District Legal Services Authority, Aurangabad (exclusively for the purchase of journals).

8. 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 Excise Court no. 2, Aurangabad, Bihar 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 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 bail bonds.

(Rajiv Roy, J)

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