

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61241 of 2024

Arising Out of PS. Case No.-132 Year-2024 Thana- GANGABRIDGE District- Vaishali

Uday Rai Son of Baleshwar Ray R/o Village- Diwantok, P.S.- Ganga Bridge,
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kahkashan Alam, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, 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 Ganga Bridge P.S. Case No. 132 of 2024 for the offence under Section 30(a) of Bihar Prohibition and Excise Amendment Act lodged on 02.07.2024 by the informant, Mintu Kumar.

3. As per the prosecution story, the informant alleged that in course of patrolling, tried to intercept a Pick-UP Van, it took a U-turn and the two motorcycles which was also escorting it tried to escape. Though, they managed to escape, there was recovery of 1200 liters of country made liquor. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that none of the vehicle belongs to the petitioner, only due to local



enmity, implicated. The last submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner intends to deposit Rs.10,000/- with the District Legal Services Committee, Vaishali at Hajipur (exclusively for the purchase of journals).

5. Learned APP opposes the prayer submitting that there is recovery of 1200 liters of illicit country made liquor has been recovered.

6. Though there is recovery, the fact remains that it has been recovered/seized from the Pick-Up Van which does not belong to the petitioner, this Court is inclined to extend him the privilege of anticipatory bail subject to the payment of Rs.10,000/- to the District Legal Services Authority, Vaishali at Hajipur.

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 Exclusive Special Excise Court No.1-cum-Additional District and Sessions Judge, Vaishali at Hajipur, in connection with Ganga Bridge P.S. Case No. 132 of 2024, 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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