

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60632 of 2024

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

Mintu Kumar S/O Chulhai Rai R/O Village- Litiyahi, P.S- Rustampur, Distt.-
Vaishali. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Ms Kahkashan Alam, Adv.

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-09-2024 Heard Ms. Kahkashan Alam, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Ganga Bridge P.S. Case No. 132 of 2024 for the offence under sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 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 litres of country made liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that none of the vehicle belongs to the petitioner, has got no criminal



antecedent, 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 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 litres 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, he has got no criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail, subject to deposit of Rs. 10,000/- with the Legal Services Committee, Vaishali at Hajipur (exclusively 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 Excise Court no. 1, cum- Additional District and Sessions Judge, Vaishali at Hajipur 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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