

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65178 of 2024

Arising Out of PS. Case No.-700 Year-2023 Thana- Kharagpur District- Munger

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Krishna Kumar @ Krishna Yadav S/o- Rajendra Yadav Village- Karma PS-
Itkhor District- Chatra jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.

For the Opposite Party/s : Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-10-2024 Heard Mr. Magan Kumar, learned Counsel for the
petitioner and Mr. J.K. Singh, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Kharagpur P.S. Case No. 700 of 2023 for the offence registered under sections 30(a) & 32 of Bihar Prohibition and Excise Act, 2022 lodged on 08.12.2023 by the informant Twinkle.

3. As per the prosecution story, the informant alleged that upon information that huge quantity of foreign liquor is moving from the Munger side, the white Pick-up Van intercepted and 1108.26 litre foreign liquor recovered/seized. Shivam Kumar Viswakarma who was driving the vehicle was apprehended and he gave the name of the persons to whom liquor belongs to i.e. Prakash and Shambhu while the liquor was



loaded by Santosh. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that he being the owner, implicated, had no knowledge of the alleged movement of liquor in his vehicle, he do not have criminal antecedent and further without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs. 50,000/- to the Executive Officer, Patna Municipal Corporation, Bankipur Circle, Patna exclusively for installation of water pipeline/washroom/chairs at Kadam Ghat/river front in the Patna University area.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the petitioner being the owner of the vehicle cannot exonerate himself from the charges.

6. Though the petitioner is the owner of the vehicle, admittedly, it was being driven by Shivam Kumar Viswakarma, he has confessed that it belonged to Prakash and Shambhu and loaded by Santosh, FIR lodged, he will be facing the trial and do not have criminal antecedent, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 50,000/- to the Executive Officer, Patna Municipal Corporation,



Bankipur Circle, Patna.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-01, Munger in connection with Kharagpur P.S. Case No. 700 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *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 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 the bail bonds.

8. The Executive Officer, PMC, Bankipur Circle, Patna to submit report within a period of two weeks on the development that took place pursuant to the amount that has been received by his office.

9. List this case on 18.10.2024 at 02.15 PM under the heading ‘To Be Mentioned’ for the perusal of the report.

(Rajiv Roy, J)

Vijay Singh/-

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