

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65385 of 2024

Arising Out of PS. Case No.-349 Year-2023 Thana- Excise P.S. District- Begusarai

Golu Kumar @ Kanahiya Kumar Son of Manoranjan Choudhary @ Ranjan
Choudhary R/O Vill.- Tajpur ward no 6, P.S.- Bhagwanpur, Dist.- Begusarai.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No 1, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-10-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 349 of 2023 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 04.08.2023 by the informant, Pramod Kumar Das.

3. As per the prosecution story, the informant alleged that upon secret information, the place was raided. Though the accused managed to escape, behind the bushes, 468 liters of foreign liquor recovered/seized. The locals gave the name of the petitioner as the accused person.

4. Learned counsel for the petitioner submits that admittedly, the recovery/seizure is from the bushes and not from the conscious possession and further, he had clean antecedent but for the same occurrence, two FIRs were lodged, one being the present case and the other is Bhagwanpur P.S. Case No. 219/2023.



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. 20,000/- to the District Legal Services Authority, Begusarai (exclusively for the purchase of journals).

5. Learned APP opposes the prayer submitting that 468 liters of foreign liquor recovered/seized.

6. Though there is recovery, it is from the bushes and not from the conscious possession and two FIRs have been instituted for the same occurrence, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 20,000/- to the District Legal Services Authority, Begusarai for the purchase of journals which has to be submitted by way of Bank Draft addressed to the District Legal Services Authority, Begusarai at the time of execution of bail bond.

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) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court II, Begusarai in connection with Excise P.S. Case No. 349 of 2023 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 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)

Adnan/-

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