

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64891 of 2024

Arising Out of PS. Case No.-248 Year-2024 Thana- EKMA District- Saran

Manish Patel Son of Late Ashok Patel Resident of Village - Parsa Gadh, P.S. - Ekma, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-10-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Ekma P.S. Case No. 248 of 2024 for the offence registered under sections 30(a) of the Bihar Prohibition & Excise Act 2022 lodged on 29.06.2024 by the informant Kunal.

3. As per the prosecution story, on secret information, the houses of Rakesh Kumar Chaudhary, Vikash Mahto and Manish Patel (the petitioner) were raided and there is/are recovery of 10 litre, 720 ml and 750 ml respectively English wine from the said houses. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that only because of criminal antecedent, he has been implicated. The recovery is from the house and not from his conscious



possession 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. 2,000/- to the District Legal Services Authority, Saran at Chapra for the purchase of journals.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he has criminal antecedent.

6. Though there is criminal antecedent, nothing has been recovered from his conscious possession rather from the house, FIR lodged, he will be facing the trial, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 2,000/- to the District Legal Services Authority, Saran at Chapra and the receipt of purchase of journals shall be submitted before the Trial Court.

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 1st Exclusive Special Excise Court, Saran at Chapra in connection with Ekma P.S. Case No. 248 of 2024 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.

(Rajiv Roy, J)

Vijay Singh/-

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