

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64886 of 2024

Arising Out of PS. Case No.-144 Year-2024 Thana- Excise P.S. District- Madhepura

1. Bablu Kumar @ Babul Kumar Son of Vijay Kumar Village- Jajhat Sabaila, Ward No. 8, Ps- Singheshwar, Dist- Madhepura
2. Rajesh Kumar Son of Gajendra Yadav village- Maheshpur, Seema, Ward no. 1, Ps- Madhepura, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sauravh Singh, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

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

2. The petitioners apprehend their arrest in connection with Madhepura Excise P.S. Case No. 144 of 2024 for the offence registered under sections 30(a) of Bihar Prohibition and Excise Amendment Act, 2018 lodged on 25.07.2024 by the informant Sanjay Kumar Priyadarshi.

3. As per the prosecution story, the informant alleged that on secret information, the place was raided and the bushes near the road side, there is recovery of 104.92 litre foreign liquor. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that



nothing has been recovered from their conscious possession rather from the bushes and further they do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Taking into account the aforesaid facts, this Court is inclined to grant them the anticipatory bail with conditions.

7. Let the petitioners 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 Special Judge, Excise Act, Madhepura in connection with Madhepura Excise P.S. Case No. 144 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 petitioners, who shall provide official document to show his *bona fide*;

(ii) the petitioners 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 petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners 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 petitioners 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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