

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65926 of 2023

Arising Out of PS. Case No.-31 Year-2023 Thana- KUDHNI District- Muzaffarpur

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VIKRAM SINGH @ BIKRAM SINGH@ VIKRAM KUMAR SINGH SON
OF DINESH SINGH RESIDENT OF VILLAGE- MANI CHHAPRA, PS-
CHAKIA, DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 27-02-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Kudhani (Turki O.P.) P.S. Case No.31 of 2023 instituted under Sections 272, 273, 420, 467, 468, 471, 120B, 34 of the Indian Penal Code and 30(a), 32(2) (B), 41(ii) (2) of the Bihar Prohibition and Excise Act lodged on 23.1.2023 by the informant, Vidhanandan.

3. As per the prosecution story,the informant alleged that on secret information, a truck was intercepted and 5733.360 liters of foreign liquor recovered/seized. Those arrested disclosed the number of mobile number which belonged to amongst other this petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he is



neither the owner of the vehicle nor he had any role to play in the arrival of the said around 6000 liquor. It is his further submission that only because the persons apprehended gave his name before the police, his implication. Further submission is that the co-accused, Vikash Singh @ Vikash Kumar Singh has been granted anticipatory bail in Cr. Misc. No. 59095 of 2023 on 01.11.2023. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to deposit Rs. 1,00,000/- (one lakh) of which Rs. 50,000/ to the Bihar State Legal Services Authority and Rs. 50,000/- to Patna High Court Legal Services Committee.

5. Learned APP opposes the prayer for anticipatory bail stating that he has criminal antecedent.

6. Though the petitioner has criminal antecedent, in view of the fact that nothing has been recovered from his conscious possession, the truck does not belongs to him, the FIR lodged and ultimately he will be facing the trial, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 1,00,000/- (one lakh) of which Rs. 50,000/ to the Bihar State Legal Services Authority and Rs. 50,000/- to Patna High Court Legal Services Committee.

7. Let the petitioner be released on bail, in the event



of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each in connection with Kudhani (Turki O.P.) P.S. Case No.31 of 2023 to the satisfaction of learned Exclusive Special Judge Excise Court No.II, Muzaffarpur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member 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 co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) 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;

(vi) 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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