

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65429 of 2024

Arising Out of PS. Case No.-89 Year-2024 Thana- BANGAWON District- Saharsa

Ashutosh Kumar Jha S/o Late Jawahar Jha R/o vill - Bangaon, ward no. 5,
P.S. - Bangaon, Distt. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Advocate
		Ms. Geeta Kumari, Advocate
For the Opposite Party/s	:	Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-10-2024 Heard Ms. Geeta Kumari, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Bangaon P.S. Case No. 89 of 2024 for the offence under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act lodged on 16.07.2024 by the informant, Priyanka Kumari.

3. As per the prosecution story, the informant alleged that on information that this petitioner is selling liquor in the house of Nand Kishore Poddar, the place was raided and there is recovery/seizure of 162 liters of country-made liquor from an iron trunk in the courtyard. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that



nothing has been recovered from his conscious possession rather it is from the house of Nand Kishore Poddar and only due to enmity, he has been named as the person who escaped from the spot and he do not have any criminal antecedent.

5. Learned APP opposes the prayer.

6. Considering the aforesaid facts/submission as also that the alleged recovery is from the house of Nand Kishore Poddar, nothing recovered from his conscious possession and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

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 Judge (Excise), Saharsa in connection with Bangaon P.S. Case No. 89 of 2024 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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