

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67888 of 2024

Arising Out of PS. Case No.-360 Year-2023 Thana- MAJORGANJ District- Sitamarhi

Vikas Kumar @ Vikash Kumar S/o Late Jagarnath Sah R/o Village- Raja
Parsauni, P.S.- Parsauni, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-10-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Majorganj P.S. Case No. 360 of 2023 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 18.12.2023 by the informant, Ajay Kumar.

3. As per the prosecution story, the informant alleged that on secret information, an e-rickshaw was intercepted and 74.4 litre Nepali liquor recovered/seized.

4. Learned counsel for the petitioner submits that admittedly, Prem Kumar and Raushan Kumar were apprehended from the spot and recovery has been made from them. Only because they gave the name of the person escaped as this petitioner, implicated further, he do not have criminal antecedent.



5. Learned APP opposes the prayer for bail.

6. Considering the submissions as also the fact that nothing has been recovered from his conscious possession nor the e-rickshaw belongs to him, this Court is inclined to extend him the privilege of anticipatory bail.

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/1, Sitamarhi, in connection with Majorganj P.S. Case No. 360 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(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 month for next one year 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)

Ankit Kumar/-

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