

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64608 of 2023

Arising Out of PS. Case No.-359 Year-2023 Thana- SAHPUR District- Bhojpur

MD. KAMAL S/O MD. RAHMAT R/O OLD POLICE LINE ARA, P.S- ARA
TOWN, DISTT.- BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR, BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 27-02-2024 Heard Mr. Ravindra Kumar, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Shahpur P.S. Case No. 359 of 2023 for the offence under sections 30(a) of Bihar Prohibition and Excise Amendment Act, 2018 lodged on 06.08.2023 by the informant, Ankit Kumar Gupta.

3. As per the prosecution story, the informant upon secret information, intercepted a 'tempo' and a motorcycle and the allegation is that from the 'tempo', 32 liters beer were recovered/seized while from the motorcycle, 50 liters country made liquor recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the petitioner is the owner of the 'tempo'. Accordingly, his



implication in the FIR. He further submits that though he owns the 'tempo', he had let it out to one Md. Rajajee who used to pay Rs. 200- 250/-, little realizing that the same is being used for carrying beer, he do not have criminal antecedent.

5. Learned APP opposes the prayer.

6. Taking into account the submissions put forward by the parties as also the fact that he do not have criminal antecedent, FIR lodged and ultimately, will have to face the trial, 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 Excise Court No. IInd, Bhojpur, Ara, in connection with Shahpur P.S. Case No. 359 of 2023 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 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)

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