

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67999 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- BHITAHA District- West Champaran

Rajkishor Baitha Son of Kashi Baitha Resident of Village - Gulariya, P.S. -
Bhitaha, District - West Champaran (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sharma, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, 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 Bhitaha P.S. Case No. 79 of 2024 for the offence under Section 30 (a) of the Bihar Prohibition & Excise Act lodged on 06.07.2024 by the informant, Bande Prasad Yadav.

3. As per the prosecution story, the police intercepted a vehicle and recovered/seized 44 liters of country made liquor and 12 liters of English liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that though he has not stated in the petition, it is his categorical submission that the motorcycle does not belong to the petitioner and he was only a pillion rider. Further, he do not have any criminal antecedent.



5. Learned APP opposes the prayer submitting that his name has come on the basis of statement of the accused person.

6. Taking into account the fact that motorcycle does not belong to the informant, he do not have criminal antecedent and nothing has been recovered from his conscious possession, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. However, if it is found that the motorcycle belongs to the petitioner, the present order shall become infructuous.

8. 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 Special Judge, Excise Act, Bagha, West Champaran in connection with Bhitaha P.S. Case No. 79 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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