

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74365 of 2023**

Arising Out of PS. Case No.-286 Year-2020 Thana- Excise P.S. District-
Gopalganj

=====

Byash Singh S/o Satyanarayan Singh R/o Village Gulaura, P.s. - Gopalpur,
District- Gpalganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kumar Harshvardhan, Adv.
: Mr. Sumit Shekhar Pandey, Adv.
For the Opposite Party/s : Mr. Sangeeta Sharma, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-03-2024 Heard Mr. Kumar Harshvardhan, learned counsel for
the petitioner and learned A.P.P. for the State.

2. The petitioner apprehend his arrest in connection
with Excise P.S. Case No. 286 of 2020 registered for the offence
under Sections 30(a) of the Bihar Prohibition and Excise Act,
2018.

3. As per the prosecution story, the informant alleged
that when he stopped the motorcycle, 135 liters Banti Babli
country made liquor recovered/seized. The apprehended person,
who was Jaiki Sah, according to him, he was going deliver it to the
petitioner. Accordingly, the present F.I.R.

4. Learned counsel for the petitioner submits that only
because the petitioner has criminal antecedent, police has



implicated him showing confessional statement of the apprehended person. Further, he had no knowledge about his implication which caused delay in approaching the Court. Last submission is that irrespective of the outcome of the present case as also without accepting the allegation, the petitioner intends to pay Rs. 10,000/- to the Bihar State Legal Services Authority, Patna.

5. Learned A.P.P. for the State opposes the prayer stating that the petitioner has got three criminal antecedents.

6. Taking into account the fact that the recovery of liquor is from the possession of Jaiky Sah on whose confession, name of the petitioner has surfaced, ultimately, he would be facing the trial, this Court is inclined to extend the privilege of anticipatory bail to the petitioner, subject to payment of Rs. 10,000/- by way of a demand draft issued in favour of Bihar State Legal Service Authority, Patna by the State Bank of India.

7. Let the petitioner, above named, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Additional District & Sessions Judge-IV -cum- Special Excise Court No.II, Gopalganj in connection with Excise P.S. Case No. 286 of 2020 subject to condition 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 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 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;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. Before parting the order, this Court would like to put on record its word of appreciation for Mr. Kumar Harshvardhan for his proper assistance made to this Court.

(Rajiv Roy, J)

brajesh/-

U		T	
---	--	---	--

