

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75589 of 2023

Arising Out of PS. Case No.-1030 Year-2022 Thana- KANKARBAG District- Patna

1. CHANDAN KUMAR S/o Late Saroj Ram Chandravanshi R/o Mohalla- Ashok Nagar Changar, P.S.- Kankarbagh, Distt.- Patna
2. Kundan @ D.J. @ K.D. @ KUNDAN KUMAR S/o Late Saroj Ram Chandravanshi R/o Mohalla- Ashok Nagar Changar, P.S.- Kankarbagh, Distt.- Patna
3. Ravi @ Mantu @ Ravi Kumar S/o Late Saroj Ram Chandravanshi R/o Mohalla- Ashok Nagar Changar, P.S.- Kankarbagh, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyanka Singh, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Kankarbagh P.S. Case No. 1030 of 2022 registered under Sections 30 (a) of the Bihar Prohibition and Excise Act, 2018 lodged on 01.11.2022 by the informant, Yogendra Ravidas.

As per the prosecution story, upon information that the accused are selling Mahua wine in their house, the same was raided and 50 liters country made wine recovered/seized.

Learned counsel for the petitioners submit that recovery is from the house which is a joint place, nothing has



been recovered from their conscious possession and they do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Considering the aforesaid facts as also the that they do not have criminal antecedent and the recovery is from the joint house which is an open place, this Court is inclined to grant them privilege of anticipatory bail.

Let the petitioners, 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 Spl. Judge Excise Act, Patna in connection with Kankarbagh P.S. Case No. 1030 of 2022, 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 petitioners who shall provide official document to show his/her *bona fide*;

(ii) the petitioners 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 their



bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners 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 their bail bonds;

(v) the petitioners 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.

(Rajiv Roy, J)

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