

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75299 of 2023

Arising Out of PS. Case No.-221 Year-2023 Thana- ARA NAGAR District- Bhojpur

CHHOTELAL KUMAR Son of Ramneh Singh R/o vill - Asani, P.S. -
Udwant Nagar, Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 29-02-2024 Heard Mr. Manoj Kumar, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Ara Nagar/Town P.S. Case No. 221 of 2023 for the offence under Section 414 of the I.P.C. and Section 30(A) of the Bihar Prohibition and Excise Act, 2018 lodged on 13.03.2023 by the informant, Kameshwar Singh.

3. As per the prosecution story, on secret information a motorcycle was intercepted and 80 liters of wine recovered/seized. The motorcycle rider Mukul Yadav was caught by the police and he transpired that the motorcycle belongs to this petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he was neither present at the place of occurrence nor it is a case



that he escaped on the sight of the police, the only thing is that he has given his motorcycle to Mukul Yadav who subsequently did the act and being the owner of the motorcycle, he has been implicated. Further, he is ready to cooperate in the investigation/trial and he do not has any criminal antecedent.

5. Learned APP opposes the prayer.

6. Taking into account the fact that Mukul Yadav was arrested alongwith the wine, only the motorcycle belongs to the petitioner, FIR lodged, ultimately he will be facing the trial and he do not have any criminal antecedent, 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 Judge Excise, Excise Court 1st, Bhojpur at Ara in connection with Ara Nagar/Town P.S. Case No. 221 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.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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