

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75515 of 2024

Arising Out of PS. Case No.-198 Year-2024 Thana- PANDARAK District- Patna

Prince Kumar S/o Paramhansh Singh @ Bhothu Singh R/o vill and Post -
Bihari Bigaha, P.s.- Pandarak, Distt. - Patna, Bihar Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Ojha, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 22-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Pandarak P.S. Case No. 198 of 2024 for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 06.08.2024 by the informant, Pintu Kumar Sah.

3. As per the prosecution story, when the petitioner was going to Barh market for purchasing daily need stuffs, where he saw police team checking vehicles on Barh-Bihari Bigaha road, where he was also stopped by the police for not wearing helmet and police asked him to pay the fine for violating traffic rule, upon which he expressed his inability to pay the challant at the spot and requested the police to generate e-challan, so that he can pay the same later on, but the police got furious on the same and snatched the key of the vehicle, and thereafter illegally



seized and planted the illegal liquor and cooked up a completely false story.

4. Learned counsel for the petitioner submits that the petitioner has committed no crime and he has falsely been implicated in this case. He further submits that the entire prosecution story is doubtful as there is no independent witness to the alleged occurrence/search. The name of the present petitioner has come only on the information given by the Mahal Chaukidar.

5. Learned APP vehemently opposes the prayer for bail and submits that the petitioner has total three criminal antecedents of similar nature in which he is on bail.

6. From perusal of seizure list, it appears that the signature of petitioner does not find place there on and nothing incriminating article has been recovered from the vehicle of the petitioner, neither the white bag alleged to have seized from the vehicle belongs to the petitioner. Keeping in view the aforesaid facts, this Court is inclined to extend him the privilege of anticipatory bail.

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, Barh, in connection with Pandarak P.S. Case No. 198 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(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 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 his bail bonds.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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

