

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78722 of 2023

Arising Out of PS. Case No.-47 Year-2022 Thana- AMARPUR District- Banka

MUNILAL HEMBRAM son of Chulku Hembram Village- Pirouta Ps-
Amarpur Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Om Prakash Singh

For the Opposite Party/s : Mr.Kanhaiya Kishore

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 19-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Amarpur P.S. Case No. 47 of 2022 registered under Sections 30 (a) of the Bihar Prohibition and Excise Act, 2016 (Amendment Act 2018) lodged on 23.01.2022 by the informant, Bhawna Kumari.

3. As per the prosecution story, the informant alleged that during patrolling upon secret information, reached the house of the petitioner but the accused managed to escape. Upon search, upon search 15 liters country made liquor recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the recovery is from the house which is a joint property not from



his conscious possession. He do not have criminal antecedent.

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

6. Taking into account the aforesaid fact as also that he do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail.

7. Let the petitioner, 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 Additional District and Sessions Judge -II, Banka in connection with Amarpur P.S. Case No. 47 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 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/her 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 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 his 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 the bail bonds.

(Rajiv Roy, J)

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