

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76657 of 2023

Arising Out of PS. Case No.-354 Year-2023 Thana- BELHAR District- Banka

PREM TUDDU @ PREM TUDU SON OF BHOLA TUDDU @ BHOLA
TUDU RESIDENT OF VILLAGE - RANGANIA (KHAIRAKHAD), P.S. -
BEHLAR, DISTRICT - BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

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 Belhar P.S. Case No. 354 of 2023 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Amendment Act lodged on 13.08.2023 by the informant, Aditya Kumar.

3. As per the prosecution story, the informant along with other police officials were on routine checking when he got secret information, raided the house of the petitioner, one person managed to escape whereafter 10 litres liquor recovered/seized. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that



recovery is from a joint house, he do not have criminal antecedent and is ready to abide by all the terms and conditions, if granted relief.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the recovery/seizure is from his house.

6. Taking into account the fact that the recovery/seizure is from a joint house, he do not have criminal antecedent, this Court is inclined to extend 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 Belhar P.S. Case No. 354 of 2023 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 appear before the concerned police station every month for next one year 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 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 the bail bonds.

(Rajiv Roy, J)

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