

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85411 of 2023

Arising Out of PS. Case No.-618 Year-2023 Thana- GHORASAHAN District- East
Champaran

=====

GAURI SHANKAR SINGH SON OF RAMBRIKSH SINGH RESIDENT
OF VILLAGE - BHANGHA, P.S. - JHAROKHAR, DISTRICT - EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms. Shail Kumari, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-01-2024 Heard Ms. Shail Kumari, learned Counsel for the

petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Ghorasahan P.S. Case No. 618 of 2023 for the offence
registered under sections 30(a), 41(i) of the Bihar Prohibition
and Excise Act lodged on 31.10.2023 by the informant, Nawal
Kishore Paswan.

3. As per the prosecution story, the police in course of
patrolling intercepted/seized a motorcycle and recovered 31.5
litres of Nepali liquor. As the motorcycle belonged to the
petitioner, he has been named in the FIR.

4. Learned Counsel for the petitioner submits that the
police only to implicate him has shown this seizure theory, he



do not have criminal antecedent, is an aged person of 64 years and is ready to cooperate in the investigation/trial.

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

6. Taking into account the submissions put forward by the parties as also that he do not have criminal antecedent and is an aged person, will ultimately be facing the trial, 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 Exclusive Special Excise Court No.-3, Motihari, East Champaran in connection with Ghorasahan P.S. Case No. 618 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 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 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;

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

(Rajiv Roy, J)

Neha/-

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

