

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9405 of 2024

Arising Out of PS. Case No.-169 Year-2022 Thana- ALAMGANJ District- Patna

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AJAY KUMAR @ AJAY RAM SON OF LALBABU @ LALBABU RAM
R/O MOHALLA- MINA BAZAAR DOMKHANA, P.S.- ALAMGANJ,
DIST.- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Alamganj P.S. Case No. 169 of 2022 registered under Sections 30(a), 38 (2), 41(1) and 37(c) of the Bihar Prohibition and Excise Act, 2018 lodged on 26.02.2022 by the informant, Sayad Gyas Hadi.

3. As per the prosecution story, the informant alleged that while patrolling, came to know that liquor is being placed in the house of the petitioner, raided it, the petitioner managed to escape, while one Vijay Prasad was arrested, 20 liters country made wine recovered from his and upon search of the house 180 liters counter made wine recovered/seized. Accordingly, the



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4. Learned counsel for the petitioner submits that the recovery is from the open house not from his conscious possession and he do not have criminal antecedent.

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

6. Taking into account the fact that it is seized from the house and not from the conscious possession of the petitioner and 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 Special Judge, Excise Act, Patna City in connection with Alamganj P.S. Case No. 169 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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