

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25818 of 2025

Arising Out of PS. Case No.-70 Year-2020 Thana- KALYANPUR District- East Champaran

ALOK KUMAR S/o JATU RAY R/o vill - Siswa Kharar, P.S.- Kalyanpur,
Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Kumar Tiwari, Advocate
	:	Mr. Md. Farukh, Advocate
For the State	:	Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-05-2025 Heard Mr. Md. Farukh, learned counsel for the
petitioner and learned APP representing the State.

2. The petitioner is apprehending his arrest in connection with Kalyanpur P.S. Case No. 70 of 2020 for the offence under Sections 272, 273 and 34 of the Indian Penal Code and 30(a) and 41(1) of the Bihar Prohibition and Excise Act, lodged on 20.03.2020 by the informant, Anil Kumar Pandey.

3. As per the prosecution story, the informant alleged that on secret information, the Police reached the poultry farm belonging to Patiram. One person escaped, Patiram gave the name of this petitioner. In The presence of the independent witness 70 liters spirit was recovered/seized which led to the F.I.R.



4. Learned counsel for the petitioner submits that the poultry farm belongs to Patiram, he has nothing to do with the alleged recovery, was serving outside and never had the knowledge about the present case which led to the delay in filing of the anticipatory bail application. He has no criminal antecedent and if granted relief, shall be diligently appearing in trial.

5. Learned APP opposes the prayer for bail.

6. Taking into account the submissions put forward by the parties as also the fact that the petitioner do not have criminal antecedent and has undertaken to diligently appearing in trial, in that background, 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) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No.3, East Champaran, Motihari, in connection with Kalyanpur P.S. Case No. 70 of 2020 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/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 his 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 bail bonds.

(Rajiv Roy, J)

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