

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63104 of 2024

Arising Out of PS. Case No.-322 Year-2024 Thana- SONEPUR District- Saran

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1. Vikash Kumar Son of Dinesh Rai Village- Abdulhi, Parmanandpur, P.S.-Sonpur, Dist.- Saran at Chapra.
 2. Nitish Kumar @ Nitesh Kumar Son of Kanshi Ram Village- Abdulhi, Parmanandpur, P.S.-Sonpur, Dist.- Saran at Chapra.
 3. Golu Kumar Son of Suresh Rai Village- Abdulhi, Parmanandpur, P.S.-Sonpur, Dist.- Saran at Chapra.
 4. Bablu Kumar Son of Late Vakil ray @ Bakil Village- Rahimpur, P.S.-Sonpur, Dist.- Saran at Chapra.
 5. Guddu Kumar Son of Late Vakil Ray Village- Rahimpur, P.S.-Sonpur, Dist.-Saran at Chapra.

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.
For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-01-2025 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Sonapur P.S. Case No. 322 of 2024 for the offence registered under sections 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 09.04.2024 by the informant Rajnandan.

3. As per the prosecution story, the informant alleged that on secret information, the place was raided and 240 liter of country made liquor recovered/seized from the Diara. This led to the FIR.



4. Learned Counsel for the petitioners submit that only because of criminal antecedent, they have been implicated, nothing has been recovered from their conscious possession. Further, if granted relief, they shall ensure that fresh case is/are not registered against him failing which the present relief if granted, can be revoked.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the petitioners have criminal antecedent.

6. Taking into account the aforesaid submissions as also the fact that nothing has been recovered from their conscious possession, an undertaking has been given that they shall be diligently appearing in trial and also that if they are found indulged in any such criminal case of the same nature, the step should be taken to revoke the same, this Court is inclined to grant them the anticipatory bail with conditions.

7. Let the petitioners 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 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Sonapur P.S. Case No. 322 of 2024 subject to condition as laid



down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next one year to mark attendance;

(iv) the petitioners 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 petitioners 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)

Vijay Singh/-

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