

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75007 of 2024

Arising Out of PS. Case No.-300 Year-2024 Thana- Excise P.S. District- Begusarai

Sundar Singh @ Prince Kumar Son of Manish Kumar Resident of Village-
Bandwar, P.S. - Nima Chandpura, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.
Ms. Divya Bharti, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Begusarai Excise P.S. Case No. 300 of 2024 dated 30.08.2024, instituted for the offence punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The allegation is of recovery of 5.625 litres foreign liquor from motorcycle bearing Reg. No. BR09AS-1992 standing in the Hut.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that the said liquor has been recovered from



a motorcycle bearing Reg. No. BR09AS-1992 kept in a bag which contained 15 bottles i.e., 5.625 litres of foreign liquor. The motorcycle was standing in the Hut. It is submitted that petitioner has no concern with the Hut in question from where the so called recovery has been made. The said motorcycle does not belong to the petitioner. Lastly, it has been submitted that he has three criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Begusarai Excise P.S. Case No. 300 of 2024, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court-II, Begusarai, subject to condition as laid down under Section 438(2) of the Cr.P.C., subject to the verification of ownership of vehicle as per the statement of the petitioner that the vehicle does not belong to him and as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every



date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

5. The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Khatim Reza, J)

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