

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81473 of 2024

Arising Out of PS. Case No.-263 Year-2024 Thana- BAIKUNTHPUR District- Gopalganj

1. Shailendra Kumar son of Binay Prasad village- Pyarepur, Ps- Baikunthpur, dist- Gopalganj
2. Srikant Kumar son of Shyamdeo Prasad village- Pyarepur, Ps- Baikunthpur, dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-03-2025 Heard the parties.

2. The petitioners apprehend their arrest in connection with Baikunthpur P.S. Case No. 263 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 lodged on 10.08.2024 by the informant, Suraj Kumar Sharma.

3. As per the prosecution story, the informant alleged that upon secret information, the police party intercepted a Pick-Up Van and there is recovery/seizure of 207.360 litres of foreign liquor. Accordingly, those present were apprehended and the FIR lodged.

4. Learned counsel for the petitioners submit that they have no role to play in the matter nor they own the vehicle, one of the co-accused, Manish Kumar has been granted bail in Cr. Misc. No. 74176 of 2024.

5. Learned APP, on the other hand, opposes the prayer



submitting that their names have cropped up though they are not driver nor the owner and further the petitioner no. 2 has criminal antecedent of the same nature.

6. Taking into account the aforesaid facts, so far as petitioner no. 2 is concerned, in view of the fact that he has criminal antecedent of the same nature, his anticipatory bail application stands rejected.

7. Regarding petitioner no. 1, Shailendra Kumar, considering that nothing has been recovered from his conscious possession and he has no criminal antecedent, this Court is inclined to extend him relief.

8. Let the petitioner no. 1, Shailendra Kumar 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 A.D.J. XIII-cum-Special Judge Excise Court 1, Gopalganj in connection with Baikunthpur P.S. Case No. 263 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 no. 1, Shailendra Kumar, who shall provide official document to show his *bona fide*;

(ii) the petitioner no. 1, Shailendra Kumar 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 no. 1, Shailendra Kumar shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner no. 1, Shailendra Kumar 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 no. 1, Shailendra Kumar 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.

9. If the petitioner no. 2 (Srikant Kumar) surrenders within a period of four weeks, the Court concerned shall take up the matter and dispose it of preferably on the same day.

(Rajiv Roy, J)

Vijay Singh/-

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