

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87856 of 2024

Arising Out of PS. Case No.-321 Year-2024 Thana- RIVILGANJ District- Saran

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Suman Kumar S/O Paras Rai Resident of Village- Bharat Milap Chowk,
North of Jail, P.S- Bhagwan Bazar, District- Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 10-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Rivilganj P.S. Case No. 321 of 2024 for the offence under Section 30(a) of Bihar Prohibition and Excise Act.

3. Recovery of liquor has been made in two sets, from the first set, 1.440 litres of foreign liquor and 10 litres of country made while from other set total 400 litres of country made wine has been recovered from back trailer of pick up vehicle. The present petitioner is concerned with the first set of recovery.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case only on account of the reason that he is the owner of the pickup vehicle



in question whereas he has no concern with the second set of recovery. Learned counsel further submits that the petitioner was neither present on the date and time as well as place of occurrence nor he has been identified as the person who has fled away coming out from the pickup vehicle by any of the assembled persons of the locality or by any of the members of the raiding party. Learned counsel lastly submits that the petitioner is a handicap with 55% of disability on his right lower limb since his childhood and due to this disability he could never been succeeded to flee away.

5. Learned APP opposes the prayer for bail.

6. Keeping in view the aforesaid facts, 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) each with two sureties of like amount each to the satisfaction of learned 2nd Exclusive Special Excise Judge, Saran at Chapra, in connection with Rivilganj P.S. Case No. 321 of 2024 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 bailors should be close relative of



the petitioner.

(ii) Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the learned trial Court.

(iii) if the petitioner tampers with the evidence or threatens the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail bonds may be cancelled by the learned trial Court.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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