

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16672 of 2020

Arising Out of PS. Case No.-689 Year-2019 Thana- SITAMARHI District- Sitamarhi

MD. MUKTI MANSURI @ MUKTI MANSURI Son of Late Ali Hasan @
Bhikhu Mansuri Resident of Village - Chakmahila, Ward No. 05, P.S.-
Sitamarhi, District- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 13-10-2020 The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner apprehends his arrest in a case registered under Sections 272/273 and 34 of the Indian Penal Code and 30(A) of the Bihar Prohibition and Excise Act, 2016.

Informant is the police officer, who in his written complaint has stated that on receiving secret information he alongwith other police personnel reached at Ram Padarath Nagar Pilli Kothi, Ward No. 16 and he saw that Panther Mobile Officer and Constable has caught one person and when he asked



the name of arrested person, he disclosed his name as Kameshwar Chaudhary and on search 48.600 litres of Nepali Saufi wine was recovered from his bag and he also disclosed the name of petitioner who fled away.

It has been submitted on behalf of petitioner that he is innocent and has been falsely implicated in this case only on the basis of confessional statement of apprehended person and except confessional statement there is no other incriminating material against petitioner. Nothing has been recovered from his possession, as such, no offence under Excise Act is made out against him. Petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioner named above in the event of arrest or surrender before the court below within four weeks from today, Petitioner is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II cum Special Judge, (Excise Act), Sitamarhi, in connection with Sitamarhi P.S. Case No. 689 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.

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

(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

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