

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2606 of 2021

Arising Out of PS. Case No.-218 Year-2020 Thana- NAUGACHIA District- Bhagalpur

1. MD. ZAKIR HUSEN @ MD. ZAKIR HUSAIN, Son of Tamarat Husain
 2. SHANKAR MAHTO @ SHANKAR RAI, Son of Lattar Mahto
Both Resident of Village - Pakra, P.S. - Naugachhia, District - Bhagalpur.
- Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Nath Pandey, Advocate
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 15-11-2021 Heard learned counsel for the parties.

Let the defect(s), if any, be removed within four weeks after complete start of the physical Court.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 30(a) and 38(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Submission is that liquor was allegedly recovered from an orchard and the petitioners were not there at the time of recovery. Petitioners have got no criminal antecedent. Petitioner No. 1 Md. Zakir Husen @ Md. Zakir Husain is already in custody. Hence, his prayer for anticipatory bail is infructuous now.

Considering the fact that there is no direct material of



involvement of petitioner no. 2 Shankar Mahto @ Shankar Rai in the act alleged, let the petitioner no. 2, above named, in the event of his arrest or surrender before the learned Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Naugachhia Police Station Case No. 218 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as subject to the following conditions:-

(a) The petitioner no. 2 shall fully cooperate with the investigation/trial of the case, failing which the learned court below shall be at liberty to cancel the bail bond of the petitioner no. 2.

(b) Both the bailors shall be resident of territorial jurisdiction of the learned court below.

(c) The petitioner no. 2 shall not leave the country without permission of the learned trial court.

(Birendra Kumar, J)

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