

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55620 of 2021**

Arising Out of PS. Case No.-246 Year-2020 Thana- MINAPUR District- Muzaffarpur

1. Nawal Rai @ Nawal Kishore Rai S/O Suhag Rai R/O Village-Dubaha, P.S-Minapur, District-Muzaffarpur.
2. Sunil Kumar @ Mathwa S/O Shambhu Rai R/O Village-Tengrari, P.S-Siwai Patti, District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Kanhaiya Kishore(App100)

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 24-02-2022 Heard both the parties.

The petitioners seek bail in anticipation of their arrest in connection with Minapur P.S. Case No.246 of 2020 instituted for the offences under Sections 30(a)/41(1) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the petitioner no.1 has already been arrested. The anticipatory bail application of the petitioner no.1 is dismissed.

So far as the petitioner no.2 is concerned, learned counsel submits that his name has been mentioned on the disclosure made by the co-accused who was found to be in possession of the liquor. Learned counsel submits that no case



under section 30(a) of the Bihar Prohibition and Excise Act is made out against the petitioner.

Having considered the nature of allegation, I am inclined to grant anticipatory bail to the petitioner no.2 and in the event of arrest, he shall be released on bail subject to conditions as laid down under section 438 (2) of the Cr.P.C., which are as under:-

Taking into consideration, I am inclined to grant anticipatory bail to the petitioner and in the event of arrest, he shall be released on bail subject to conditions as laid down under section 438 (2) of the Cr.P.C., which are as under:-

1. The applicant, namely, Sunil Kumar @ Mathwa shall furnish personal bond with his recent self-attested photograph and surety of the like amount on the following conditions at the satisfaction of the investigating officer.

2. The applicant shall cooperate with the investigation and make himself available for interrogation whenever required.

3. The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer,

4. The applicant shall not obstruct or hamper the



police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

5. The applicant shall not leave the territory of Muzaffarpur without prior permission of the court, till trial is over;

6. The applicant shall maintain law and order;

7. The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

8. The applicant shall surrender his passport, if any, before the investigating officer within a week and, if he does not possess any passport, he shall file an affidavit to that effect before the investigating officer;

9. The applicant shall regularly remain present during the trial and cooperate with the Hon'ble court to complete the trial for the above offences.

(Sanjeev Prakash Sharma, J)

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