

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34357 of 2023

Arising Out of PS. Case No.-90 Year-2023 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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MACHIN MAHTO @ PRAMOD MAHTO S/O LATE LAXMI MAHTO
R/O Village- Naya Gharai Bhawaiya Pokhar, P.S- L.N.M.U, Distt.-
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-07-2023 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending arrest in connection with LNMU P.S. Case No. 90 of 2023 instituted under Sections 30(a) of Bihar Prohibition and Excise Act lodged on 24.3.2023 by the informant, Sudish Kumar Pal.

As per the prosecution story, the police on patrolling saw a Maruti car parked behind the college and on search 24.660 liters of foreign liquor was recovered/seized. Accordingly, the FIR.

Learned counsel for the petitioner submits that he is not owner of the vehicle nor there was any recovery from his conscious possession. Although, he concedes that he has criminal antecedent and will abide by all the terms and



conditions.

Learned APP opposes the prayer stating that he has criminal antecedent of the same nature.

Considering the fact that recovery from the the Maruti car which does not belong to the petitioner, this Court is inclined to extend him privilege of anticipatory bail with strict condition in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court 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 the like amount each in connection with LNMU P.S. Case No. 90 of 2023 to the satisfaction of learned Exclusive Special Excise Court-II, Darbhanga subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner 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;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(vii) If the petitioner is found involved in the case under section 30(a) of the Excise Act, this bail order shall also be cancelled.

(Rajiv Roy, J)

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