

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36339 of 2023

Arising Out of PS. Case No.-250 Year-2023 Thana- SITAMARHI District- Sitamarhi

MANOJ RAUT son of LATE NARESH RAUT Resident of Village- Koat
Bazar Ward No. 17, Ring Bandh @ Court Bazar Ward No. 17, Ringh Bandh,
PS- Sitamarhi, Distt- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 31-07-2023 Heard Ld. counsel for the petitioner and the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Sitamarhi P.S. Case No. 250 of 2023, registered for the offences punishable under Section 420 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018 .

3. As per allegation, 306 litres of Nepali Saufi liquor was recovered from a tempo.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the alleged contraband has been seized from an auto-rickshaw which was allegedly standing in front of the house of the petitioner. He further submits that the petitioner is neither the owner of the alleged auto-rickshaw, nor



is there any cogent evidence/material on record to show his complicity in the alleged offence. He has been implicated in the present case only on the basis of suspicion.

5. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for anticipatory bail.

8. In view of the aforesaid facts and circumstances, *prima facie*, no case, is made out against the petitioner. Hence the present anticipatory bail application, is maintainable.

9. Considering the aforesaid facts and circumstances, the present petition is allowed, directing the petitioner, above-named, to be enlarged on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Sitamarhi P.S. Case No. 250 of 2023, subject to the conditions as laid



down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

(iii) In case, the petitioner repeats offence of similar nature after enlargement on bail and charge is framed with regard to alleged subsequent offence, his bail-bond will be cancelled by the court below.

10. Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

Amrendra/ashish
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