

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40348 of 2023

Arising Out of PS. Case No.-63 Year-2023 Thana- AGIAON BAZAR District- Bhojpur

RAJENDRA MUSHAR @ RAJENDRA RAM S/O CHANDESHWAR @
CHANDESHWAR RAM @ CHANDESHWAR MUSHAR R/O Village-
Suggiwal Musahar Toli, PS. Agiaon Bazar, Dist. Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar, Advocate

For the Opposite Party/s : Mr. Indu Kumari Srivastava, App

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-07-2023 Heard the parties.

The petitioner apprehend his arrest in connection with Agiaon Bazar P.S. Case No. 63 of 2023 for the offence punishable under Sections 30 (a) of the Bihar Prohibition And Excise (Amendment) Act, 2018 lodged on 04.04.2023 by the informant Arvind Kumar.

As per the prosecution story, the police raided various homes on information and from the present petitioner, it is alleged that from his home, three litres of 'Mahua' liquor and 100 litres of 'Mahua' pass were seized. Other houses were also raided and there was recovery of 'Mahua' pass from the other accused. Accordingly, the FIR.

It is the contention of the learned counsel for the



petitioner that the said recovery is from a house which is joint one and further he do not have criminal antecedent.

Learned APP opposes the prayer.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also that he has no criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner, in the event of his arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court Judge-1st, Bhojpur at Ara/Concerned Court, in connection with Agiaon Bazar P.S. Case No. 63 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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;

(v) 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.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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