

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42058 of 2023

Arising Out of PS. Case No.-44 Year-2023 Thana- SAHIYARA District- Sitamarhi

1. VIKASH KUMAR @ VIKASH SAH son of Pramod Sah Village- Pitambarpur Ps- Sahiyara dist- Sitamarhi
2. Sitaram Kumar @ Sitaram Mahto son of Mahendra Mahto Village- Pitambarpur Ps- Sahiyara dist- Sitamarhi
3. Mukesh Kumar son of Sahdev Mahto Village- Pitambarpur Ps- Sahiyara dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Sahiyara P.S. Case No. 44 of 2023 for the offence registered under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 05.03.2023 by the informant, Lalan Singh.

As per the prosecution story, the police upon secret information intercepted two motorcycles, the accused escaped in the darkness, the two motorcycles were seized and from one motorcycle, 135 litres Nepali Sauphy while from other 54 litres Nepali Sauphy were recovered/seized beside that another 3.75



litres of Nepali wine was recovered totalling 189 litres of Nepali Sauphi and 3.75 litres of wine. Accordingly, the FIR.

It is the case of the petitioners that none of the motorcycle belongs to them and due to local politics they have been implicated in this case and further none of them have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Considering the fact that the petitioners do not have criminal antecedent, the motorcycles do not belong to them, this Court is inclined to extend them privilege of anticipatory bail.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-I, Sitamarhi in connection with Shaiyara P.S. Case No. 40 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 petitioners, who shall provide official document to show their *bona fide*;



(ii) the petitioners 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 their 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 attendance;

(iv) the petitioners 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 their 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 their bail bonds.

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

(Rajiv Roy, J)

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