

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40989 of 2023

Arising Out of PS. Case No.-41 Year-2023 Thana- SUPPI District- Sitamarhi

Mantu Sah @ Gupesh Kumar Gupta Son Of Sone Lal Sah Resident Of
Village- Mohani Mandal, Ward No. 13, Ps- Suppi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-07-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Suppi P.S. Case No. 41 of 2023 instituted under under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 21.2.2023 by the informant, Subhash Pandey.

As per the prosecution story, the police is the informant and according to it, raid of the vehicles was/were done when saw two motorcycles coming, They tried to escape on the sight of the police, one motorcycle borne was apprehended in which two persons were boarded and 45.9 liters of Nepali saufi wine was recovered/seized followed by FIR.

Learned counsel for the petitioner submits that Kamlesh Sahni and Sudisht were arrested who disclosed his name and nothing has been recovered from the possession of



the petitioner nor he was driver of the said motorcycle which was seized and only because he has criminal antecedent, he has been dragged in the case.

Learned APP opposes the prayer submitting that he has criminal antecedent.

Taking into account the fact that the alleged recovery is from the aforesaid two motorcycles and nothing has been recovered from the conscious possession of the petitioner, this Court is inclined to extend him privilege of anticipatory bail.

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 Suppi P.S. Case No. 41 of 2023 to the satisfaction of learned Exclusive Special Excise Judge-I, Sitamarhi/concerned court 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.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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