

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40758 of 2023

Arising Out of PS. Case No.-103 Year-2023 Thana- MADHAURAH District- Saran

Munna Baitha @ Munna Kumar son of Jamun Baitha Village- Bardahiya Ps-
Marhowrah Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-07-2023 No one appears on call although, the State is present.

The petitioner is apprehending his arrest in connection with Marhowrah P.S. Case No. 103 of 2023 for the offence under Sections 30(a) and 41 (i) of Bihar Excise Act lodged on 27.02.2023 by the informant, Rakesh Kumar Singh.

As per the prosecution story, the Police upon secret information, raided near the pond and recovered 60 liters of illegal country-made wine. Accordingly, the F.I.R.

According to the petition, there is no recovery either from his house or vehicle and his name has come only on the basis of information given by the local villagers.

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

Considering the fact that the alleged recovery is near



the pond and not from the petitioner's house or the vehicle, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Court of 2nd Exclusive Special Excise Judge, Saran at Chapra, in connection with Marhowrah P.S. Case No. 103 of 2023 subject to the conditions 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/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 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)

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