

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42069 of 2023

Arising Out of PS. Case No.-81 Year-2023 Thana- GOVINDPUR District- Nawada

1. SAURABH KUMAR @ GUDDU MAHTO Son of Chandrika Mahto Resident of Village - Pipra, Police Station - Govindpur, District - Nawada.
2. Prayag Prasad @ Prayag Kumar Son of Lakshman Mahto Resident of Village - Pipra, Police Station - Govindpur, District - Nawada.
3. Shyam Sao @ Shyam Sundar Kumar Son of Muni Sao Resident of Village - Delhua, Police Station - Govindpur, District - Nawada.
4. Deepak Kumar @ Deepak Ram Son of Rajendra Ram Resident of Village - Delhua, Police Station - Govindpur, District - Nawada.
5. Prahlad Chaudhary Son of Mahesh Chaudhary Resident of Village - Pipra, Police Station - Govindpur, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-08-2023 Heard the parties.

The petitioners are apprehending their arrest in connection with Govindpur P.S. Case No. 81 of 2023 for the offence under Sections 30(a), 30(d)/41 of the Bihar Prohibition and Excise Act, 2016 lodged on 25.04.2023 by the informant, Lalan Ram.

As per the prosecution story, there is allegation of recovery/seizure of 140 liter Mahua liquor, two gas cylinder, one stove, two hundred liter Mahua solution and three furness.



The accused persons escaped taking advantage of the dense forest and hills. Accordingly, the F.I.R.

Learned counsel for the petitioners submit that they have nothing to do with the said alleged recovery/seizure and due to enmity, the 'Chowkidar' has named them.

Learned APP opposes the prayer stating that some of them have criminal antecedent and only the petitioner no. 4 has no criminal antecedent.

Taking into account the fact that the recovery/seizure is from an open place, the petitioners were not at the spot, their name has been disclosed by the concerned 'Chowkidar' and will be facing the trial, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

Let the petitioners 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) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge 1st, Nawada, in connection with Govindpur P.S. Case No. 81 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 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 petitioners shall appear before the concerned police station every fortnight for next six months to mark their 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 the bail bonds;

(v) the petitioners 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 is allowed.

(Rajiv Roy, J)

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