

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40839 of 2023

Arising Out of PS. Case No.-157 Year-2023 Thana- MAHUA District- Vaishali

Bachchu Rai Son Of Bindeshwar Rai Resident Of Village- Mirzanagar, Ps-
Mahua, Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-07-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Mahua P.S. Case No. 157 of 2023 instituted under under Sections 272, 273, 414/34 of the Indian Penal Code and section 30(a), 32(ii), 41(i) of the Bihar Prohibition and Excise Act lodged on 18.3.2023 by the informant, Alexzendar Sorang.

As per the prosecution story, upon secret information, the police reached the spot but the accused persons managed to escape. Altogether, 387.345 liters of country made foreign liquor was recovered/seized. Accordingly, the FIR.

Learned counsel for the petitioner submits that the recovery is from a Mango garden which does not belong to him and due to local enmity his name has cropped up. Further, he do not have criminal antecedent.



Learned APP opposes the prayer stating that the villagers named him.

Taking into account the fact that the recovery is from an open garden and the petitioner do not have criminal antecedent, 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 Mahua P.S. Case No. 157 of 2023 to the satisfaction of learned Special Excise Court-II cum Additional District and Sessions Judge, Vaishali at Hajipur 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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