

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45114 of 2023

Arising Out of PS. Case No.-31 Year-2023 Thana- MAINATAND District- West Champaran

MUSLIM MIYAN SON OF SRI DHODA MIYAN @ GOGH MIYAN
RESIDENT OF VILLAGE- PASHCHIM PAKUHW, PS- MAINTAND,
DISTT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-08-2023 Heard the learned Counsel for the petitioner and Mr.
Dinesh Singh who represent the State.

The petitioner apprehend his arrest in connection with
Mainatand P.S. Case No. 31 of 2023 for the offence punishable
under Section 30 (a) of the Bihar Prohibition and Excise
Amendment Act, 2018, lodged on 28.02.2023 by the informant
Md. Parvej Alam.

As per the prosecution story, on secret information,
the police reached the place of occurrence and apprehended
Parma Paswan who gave the name of the accused herein and
altogether 144 liters of Nepali Liquor was recovered.
Accordingly the FIR.

It is the case of the petitioner that he do not have



criminal antecedent, the alleged recoveries is from Parma Paswan and similarly placed the co-accuseds persons have since been granted the privilege of Anticipatory Bail vide order dated 17.05.2023 passed in Cr. Misc. No. 28068 of 2023 (Annexure 2).

Learned APP opposes the prayer stating that the accused persons do not have criminal antecedent.

Taking into account the aforesaid submission put forward by the learned counsel for the petitioner as also that the similarly placed co-accuseds have since been granted bail, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner, in the event of his arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court West Champaran at Bettiah, in connection with Mainatand P.S. Case No. 31 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 petitioner who shall provide official document to show his



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)

Jagdish/Jyoti/-

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