

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45763 of 2023

Arising Out of PS. Case No.-437 Year-2023 Thana- GAYA MUFASIL District- Gaya

NANDU SAO S/O GOVIND SAO R/O Village- Bhadeja, P.S- Muffasil,
Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Muffasil P.S. Case No. 437 of 2023 for the offence registered under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 16.04.2023 by the informant, Rampukar Chaudhary.

As per the prosecution story, the police upon information reached Bhadeji Tand and found some people standing there, who escaped. 150 litres of illicit '*mahua*' liquor was recovered/seized. The locals gave the name and accordingly the implication.

It is the submission of the learned Counsel for the petitioner that the alleged recovery is from an open place, the



petitioner having nothing to do with it.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that he has criminal antecedent.

Considering the aforesaid submissions put forward by the learned Counsel for the petitioner that the recovery is from an open place, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Excise Court No. 1, Gaya in connection with Muffasil P.S. Case No. 437 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 month for next one year to mark 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 the bail bonds.

With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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