

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47830 of 2023

Arising Out of PS. Case No.-70 Year-2023 Thana- KANHAULI District- Sitamarhi

RAJIV MANDAL @ RAJIV KUMAR Son of Suresh Mandal Resident of
village - Dularpur, P.S. - Kanhauli, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Ms.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2023 Heard Mr. Ashok Kumar Jha, learned counsel for the
petitioner and Ms. Gulnar Begum, learned APP for the State

The petitioner apprehends his arrest in connection
with Kanhauli P.S. Case No.70 of 2023 instituted under Section
30(a) of the Bihar Prohibition & Excise Act, 2018 lodged on
21.04.2023 by the informant Ramakant Sharma.

As per the prosecution story, the police
intercepted/apprehended one Nanhe Nut and recovered/seized
altogether 36 liters of Nepali Saufi. He gave the name of the
person who escaped as the petitioner herein.

Learned counsel for the petitioner submits that only
because he has criminal antecedent, has been implicated in this
case, has nothing to do with the alleged recovery/seizure.

Learned APP on the other hand opposes the prayer for
anticipatory bail stating that his name has been taken by the



apprehended person.

Considering the fact that alleged recovery is from Nanhe Nut, on his confession the name of the petitioner has come, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner be released on anticipatory bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Kanhauli P.S. Case No.70 of 2023 to the satisfaction of learned Exclusive Special Judge,I, Sitamarhi, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(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 will make himself available to the police as and when required in course of investigation;

(iii) 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;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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