

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47993 of 2023

Arising Out of PS. Case No.-167 Year-2022 Thana- PIRI BAZAR District- Lakhisarai

Suren Koda @ Soren Koda Son Of Late Karmu Koda R/O-Lathiya Bhairo
Tola, P.S.-PIRI Bazar, Distt.-LAKHISARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd. Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Piri Bazar P.S. Case No. 167 of 2022 instituted under under Section 30(a), 37(i) of the Bihar Prohibition and Excise Act lodged on 25.12.2022 by the informant, Surendra Prasad.

As per the prosecution story, upon information, the police raided a hut near the petitioner's house and recovered/seized 200 liters of Mahua. Accordingly, the FIR.

Learned counsel for the petitioner submits that the family do not reside in the hut rather in the house and it is an open place. Further, the petitioner do not have criminal antecedent.

Learned APP opposes the prayer stating that it has been recovered/seized inside the hut.



Taking into account the aforesaid facts that the recovery is from an open place and the petitioner do not have criminal antecedent and ultimately he will have to face the trial, 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) with two sureties of the like amount each in connection with Piri Bazar P.S. Case No. 167 of 2022 to the satisfaction of learned Additional District and Sessions Judge-4th cum Spl. Judge Excise-1st, Lakhisarai 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.

(Rajiv Roy, J)

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