

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61667 of 2023

Arising Out of PS. Case No.-412 Year-2023 Thana- TAJPUR District- Samastipur

MANOJ CHAUDHARY Son of Shahindra Mahto @ Shahindra Chaudhary
R/o vill - Kumaiya, P.S. - Tajpur (Halai O.P.), Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-10-2023 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Tajpur (Halai O.P.) P.S. Case No. 412 of 2023 for the offence under sections 272/273 of the I.P.C. and 30(a) of Bihar Prohibition and Excise (Amendment) Act-2018 lodged on 22.07.2023 by the informant, Janardan paswan.

3. As per the prosecution story, the Police during patrolling came to know about the petitioner keeping illegal liquor, reached the place and found five liters country made liquor from his house. Accordingly the FIR.

4. Learned Counsel for the petitioner submits that it is a joint house, nothing has been recovered from his conscious possession and he do not have criminal antecedent.

5. Learned APP opposes the prayer.



6. Taking into account the fact that nothing has been recovered from his conscious possession rather from a joint house, he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Special Judge (Excise)-2, Samastipur, in connection with Tajpur (Halai O.P.) P.S. Case No. 412 of 2023 subject to the conditions 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/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 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.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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