

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 61996 of 2023

Arising Out of PS. Case No.-87 Year-2023 Thana- PUSA District- Samastipur

1. VINOD MAHTO son of Late Devi Lal Mahto Village- Ward no-5, Harpur Bhuskaul Ps- Pusa Dist- Samastipur
2. Shyam Kumar @ Shayam Kumar son of Virendra Mahto @ Balindra Mahto Village- Ward no-5, Harpur Bhuskaul Ps- Pusa Dist- Samastipur
3. Subhodh Kumar @ Subodh Kumar son of Shivjee Mahto Village- Ward no-5, Harpur Bhuskaul Ps- Pusa Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-10-2023

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Pusa P.S. Case No. 87 of 2023 for the offence under sections 30(a) of Bihar Prohibition and Excise (Amendment) Act, lodged on 17.07.2023 by the informant, Md. Shabbir.

3. As per the prosecution story, the allegation is that the Police was searching the house, in course whereof found three persons trying to escape leaving a gallon from which 15 liters illegal mahua liquor was recovered/seized. Accordingly the FIR.



4. It is the case of the petitioners that nothing has been recovered from their conscious possession, the police has named them and they do not have criminal antecedent.

5. Learned APP opposes the prayer.

6. Taking into account the fact that nothing has been recovered from their conscious possession and they do have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

7. Let the petitioners, above named, 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-I, Samastipur, in connection with Pusa P.S. Case No. 87 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 petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 petitioners shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioners 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 petitioners 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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