

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.630 of 2023

Arising Out of PS. Case No.-283 Year-2021 Thana- SANGRAMPUR District- East
Champaran

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PAPPU MAHTO Son of Balistar Mahto Resident of village - Koirganwa,
Bintoli, P.S.- Sangrampur, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjana Srivastava, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and the

learned APP for the State

The petitioner apprehends his arrest in connection
with Sangrampur P.S. Case No.283 of 2021 instituted under
Sections 30(a)(c),32,41(1) of Bihar Prohibition and Excise Act,
2016.

As per the prosecution story, the police upon
information started searching each and every house and in the
process, sixteen houses were searched and so far as the
petitioner's house is concerned, allegation is that 12 liters
'Chulai' liquor and 200 liters liquid for making the countrymade
liquor was/were recovered/seized. Accordingly, the FIR was
lodged.

Learned counsel for the petitioner submits that it is a



joint family and he has absolutely nothing to do with the alleged liquor and only because he has a criminal antecedent, the police has dragged him in the case.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Considering the aforesaid facts as also that the FIR has been lodged, he will have to face the trial, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on 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 Sangrampur P.S. Case No.283 of 2021 to the satisfaction of learned Special Judge, Exclusive Special Excise Court No.1, East Champaran, Motihari, 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/her 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/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next one year 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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