

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74671 of 2022

Arising Out of PS. Case No.-91 Year-2022 Thana- SUGAULI District- East Champaran

RAJDEO SAHANI S/o Jangbahadur Sahani R/v- Gorigawa, P.S.- Sugauli,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-02-2023 No one appears on call. Learned APP for the State
through virtual mode in view of COVID-19.

The petitioner apprehends his arrest in connection with Sugauli P.S. Case No.91 of 2022 instituted under Sections 30(a),(b)(c) of Bihar Prohibition and Excise (amendment) Act, 2022.

As per the prosecution story, the police raided and recovered/seized 20 liters wine and 500 liters raw materials of Mahuwa-Mitha Ghol from a garden near Shiv Mandir. Accordingly, the FIR was lodged.

As per the averment, recovery of wine does not belong to the petitioner and is innocent and has committed no offence. Petitioner was neither caught at the spot.

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



Taking into account that the recovery is near a tempo, the petitioner do not have criminal antecedent and nothing has been recovered from his conscious possession, this Court is inclined to extend him the privilege of anticipatory 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 Sugauli P.S. Case No.91 of 2022 to the satisfaction of learned Special Judge, Motihari, East Champaran, 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 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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