

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75182 of 2022

Arising Out of PS. Case No.-259 Year-2022 Thana- ATRI District- Gaya

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Pintu Kumar @ Pintu Yadav S/O Sri Dasharath Yadav Resident Of Village-
Karamchak, P.S.- Atri, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh, Adv

For the Opposite Party/s : Mr.Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Atri P.S. Case No. 259 of 2022 for the offence registered
under sections 30(a) of the Bihar Prohibition & Excise Act
2018.

As per the prosecution story, the police upon
information reached the house of the present petitioner and the
co-accused persons escaped. Further, upon search from thatched
house of the present petitioner, altogether 80 liters of country
made Mahua liquor was/ were and recovered/seized in a two
plastic gallons. Accordingly, FIR has been lodged.

The case of the petitioner is / are that:

(i) eighty liter country made Mahua wine has



been recovered from the thatched house of the petitioner;

(ii) the petitioner lives in joint house and is not the Mukhiya of that house;

(iii) the entire article has been recovered from abundant house which is on the open place are away from his residential house.

Learned APP opposes the prayer for bail of the petitioner.

Taking into account the fact that it is a thatched house as submitted by the learned counsel for the petitioner and is jointly owned by his family members, the petitioner do not have criminal antecedent, this court is inclined to extend him privilege of anticipatory bail with conditions.

Let the petitioner be released on bail, in the event of his 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 Exclusive Special Judge, Excise, Gaya in connection with Atri P.S. Case No. 259 of 2022 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 co-operate in the investigation and make himself available to the police as and when required;

(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 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 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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