

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73844 of 2022

Arising Out of PS. Case No.-268 Year-2022 Thana- SUPPI District- Sitamarhi

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1. VIJAY MAHTO @ VIJAY KUMAR SON OF LAXMI MAHTO R/O MOHANI KHURD, P.S.- SUPPI, DISTT.- SITAMARHI
 2. LAKHINDRA MAHTO SON OF LAXMI MAHTO R/O MOHANI KHURD, P.S.- SUPPI, DISTT.- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioners and learned

APP for the State through video conferencing in view of the

COVID 19.

The petitioners apprehend their arrest in connection
with Suppi P.S. Case 268 of 2022 for the offence registered
under Sections 30(a) of Bihar Prohibition and Excise
Amendment Act.

As per the prosecution story, the police upon secret
information that liquor has been brought from Nepal and kept
in the field of Krishnandan Singh raided the place. Both the



accused managed to escape and altogether 84 liters liquor was/were recovered/seized and the 'chowkidar' gave the name of the accused persons including the petitioners herein. Accordingly, the FIR was lodged.

Learned counsel for the petitioners submit that recovery is from the field of Krishnandan Singh and only allegation has been levelled that the said field was being cultivated by the petitioner no. 1. He further submits that the recovery has been made from the field which is easily accessible to anyone. The last submission is that due to village politics, name of the petitioners have been dragged in this case.

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

Taking into account the aforesaid fact that the recovery is from a field and only allegation is that the petitioner used to cultivate the land of Krishnandan Singh and he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail with conditions.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of the learned Court of Special Judge, Exclusive Special Excise Court1, Sitamarhi in connection with Suppi P.S. Case No. 268 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions:-

(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 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 their 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 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 the bail bonds;



(vi) the petitioner shall co-operate in the investigation
and made himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha/-

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