

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73600 of 2022

Arising Out of PS. Case No.-458 Year-2022 Thana- BARHARIA District- Siwan

SURESH PASI S/o Gulabchand Pasi R/o Village- Kuwahi, P.S.- Barharia,
Distt- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Bardhan Pandey,Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of the
COVID 19.

The petitioner apprehends his arrest in connection
with Barharia P.S. Case No. 458 of 2022 for the offence
registered under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per the prosecution story, the police upon secret
information that the petitioner as also one Prabhu Pasi has kept
liquor and is selling, raided the place behind Siwan International
School and altogether 22 litres ‘mahua’ liquor was
recovered/seized. Accordingly, the FIR against them was
lodged.

The defence case is that as per the FIR itself the



recovery/seizure is from behind the Siwan International School and only on suspicion he has been made an accused.

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

Taking into account the fact that he do not have criminal antecedent, the recovery is from behind the Siwan International School, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner 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 Exclusive Special Excise Court No. 1, Siwan in connection with Barharia P.S. Case No. 458 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 bona fide;

(ii) 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;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) 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;

(v) 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)

JagdishNeha/-

U		T	
---	--	---	--

