

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74421 of 2022

Arising Out of PS. Case No.-360 Year-2022 Thana- GORAUL District- Vaishali

PAWAN RAI Son of Banilal Rai Resident of Village - Salempur Dumariya
Ward No.- 6, P.S.- Goraul (Kathara O.P.), District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mrs.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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

The petitioner apprehends his arrest in connection
with Goraul (Kathara O.P.) P.S. Case No.360 of 2022 instituted
under Sections 30(a) of the Bihar Prohibition and Excise Act,
2018.

As per the prosecution story, the police upon
information, raided the said place and recovered/seized 129.60
liters countrymade liquor near banana plantation. Accordingly,
the FIR was lodged.

Learned counsel for the petitioner submits that
nothing has been recovered from the conscious possession of
the petitioner, the recovery is from behind the banana plantation
and storage of fodder and the same does not belonged to the
petitioner. Name of the petitioner given by 'Chowkidar' because



of the past enmity between the petitioner and local 'Chowkidar'.

Considering the fact that nothing has been recovered from the conscious possession of the petitioner rather the same has been seized near a banana plantation which does not belong to the petitioner and his name has come on the disclosure of 'Chowkidar', who according to the petitioner is on inimical terms to him, he do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their 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 Goraul (Kathara O.P.) P.S. Case No.360 of 2022 to the satisfaction of learned Exclusive Special Excise Court No.I-cum-Additional District & Sessions Judge, Vaishali at Hajipur, subject to the conditions 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 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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