

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1139 of 2023

Arising Out of PS. Case No.-354 Year-2022 Thana- MOTIPUR District- Muzaffarpur

1. RAJESH CHAUDHARY @ RAJESH KUMAR Son of Mohan Chaudhary
Resident of Village - Barjee dih, P.S.- Motipur, Dist.- Muzaffarpur.
2. Rakesh Rai Son of Vishundeo Rai Resident of Village - Barjee dih, P.S.-
Motipur, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Nitu Kumari,Advocate

For the Opposite Party/s : Mrs.Shaheen Begum,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection
with Motipur P.S. Case No. 354 of 2022 for the offence
registered under Section 30(a) of Bihar Prohibition and Excise
Act.

As per the prosecution story, the police upon
information, raided the ‘*lichi*’ orchard near the saw mill of
Kishori Bhagat and allegation is of recovery of 95 litres 40 ml
of foreign liquor beside the roadside in a ditch. Accordingly, the
FIR was lodged.

Learned counsel for the petitioners submit that a bare



perusal of the FIR would show that it has been recovered from the ditch, nothing from his conscious possession and due to village enmity, he has been implicated.

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

Taking into account the aforesaid facts as also that he do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail.

If however, it is found that the petitioners have criminal antecedent, the bail order shall become infructuous.

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 Exclusive Special Judge Excise Court No.-II, Muzaffarpur in connection with Motipur P.S. Case No. 354 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 their 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 one year 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 petitioners 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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