

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2238 of 2023

Arising Out of PS. Case No.-379 Year-2022 Thana- LALGANJ District- Vaishali

RAJU MAHTO Son of Late Hari Shankar Mahto Resident of Village- Patwa
Toli, P.S.- Lalganj, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Bela Singh, Advocate

For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-02-2023 Heard Mrs. Bela Singh, learned counsel for the
petitioner and the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is apprehending arrest in connection
with Lalganj P.S. Case No. 379 of 2022 under sections 467, 468,
471 of the Indian Penal Code and Section 30(a)/34, 36 of Bihar
Prohibition and Excise Act.

As per the prosecution story, the police upon secret
information that Rahul Mahto and his associates are packing
liquor in his house, raided the said place and apprehended
Rahul Kumar and Vikash Kumar who gave the name of the
escaped persons, the petitioner being one of them. Two
motorcycles were present there from which total 118.5 liters of



liquor were recovered/seized.

Learned counsel for the petitioner submits that only because he has criminal antecedent, the police has dragged him in the case. Nothing has been recovered from his conscious possession and even the police had secret information about liquor trade by Rahul Kumar who was already apprehended.

Considering the aforesaid averment made by the learned counsel for the petitioner as also that two accused apprehend against whom the police had information, ultimately he will have to face the trial, this Court is inclined to grant him the privilege of anticipatory bail.

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) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No.I cum Additional District and Sessions Judge, Vaishali at Hajipur, in connection with Lalganj P.S. Case No. 379 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the conditions as follows:

(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/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 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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