

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.908 of 2023

Arising Out of PS. Case No.-265 Year-2021 Thana- VAISHALI District- Vaishali

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MAHENDRA RAI S/O LATE JAGDISH RAI Resident of village- Belsar,
P.S.- Vaishali (Belsar O.P.), District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar,Advocate

For the Opposite Party/s : Mrs.Veena Kumari Jaiswal,APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

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

The petitioner apprehends his arrest in connection with Vaishali (Belsar) P.S. Case No. 265 of 2021 for the offence registered under Sections 30(a) of Bihar and Prohibition and Excise Act.

As per the prosecution story, the police upon secret information raided the house of accused persons and allegation is that 236.340 litres was recovered outside the house of Arun Rai and Bachcha Rai and 1420.230 litres from the house of the present petitioner. Accordingly, the FIR was lodged.



Learned counsel for the petitioner submits that it is joint family house and the allegation cannot be attributed to him, nothing has been recovered from his conscious possession and further he is an agriculturist, nothing to do with the illegal trade in liquor. Further, irrespective of the outcome of the present case, he intends to contribute Rs. 10,000/- in the account of Patna High Court Legal Services Committee.

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

Considering the aforesaid facts that has been submitted by the learned counsel for the petitioner as also that he do not have criminal antecedent and ultimately will have to face the trial, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 10,000/- as stated above.

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

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 Special Excise



Court No. 2 cum Additional District and Sessions Judge,
Vaishali at Hajipur in connection with Vaishali (Belsar O.P.) P.S.
Case No. 265 of 2021 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 one year 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;

(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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