

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1188 of 2023

Arising Out of PS. Case No.-511 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. RAJ KUMAR MAHTO @ RAM KUMAR MAHTO SON OF LATE BAIJNATH MAHTO @ BAIJNATH MAHTO @ LATE BAIDYANATH MAHTO R/O VILLAGE- RACHIAHI, DHOBIA TOLA, P.S.- MUFFASIL, (SINGHOUL O.P.), DISTRICT- BEGUSARAI
 2. YOGENDRA MAHTO @ JOGINDAR MAHTO SON OF LATE AWADH MAHTO @ AWADH MAHTO R/O VILLAGE- RACHIAHI, DHOBIA TOLA, P.S.- MUFFASIL, (SINGHOUL O.P.), DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam,Advocate
For the Opposite Party/s : Mr.Zainul Abedin,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-02-2023 Heard Mr. Sandip Kumar Gautam, learned counsel
for the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Muffasil P.S. Case No. 511 of 2022 for the offence registered under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

As per the prosecution story, upon secret information the police raided the place at village, Rachiyahi, the accused escaped and in the presence of police, recovery/seizure of 300 litres semi prepared country made liquor as also 15 litres country made liquor kept in a container were seized. Further, the local villagers gave the name of accused persons, including the



present two petitioners. Accordingly, the FIR was lodged.

Learned counsel for the petitioners submit that the said recovery is from the open area and which definitely cannot be attributed to them. Further, in a village enmity, the name automatically crops up and further no independent witness have signed the documents and thus, the rules have been flouted. Further, the submission is that irrespective of the outcome of the present petition, the petitioners on its own would like to contribute Rs. 10,000/- each totalling Rs. 20,000/- to the account of Patna High Court Legal Services Committee.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail but concedes that the same has been recovered/seized from open area.

Considering all the aforesaid facts that nothing has been recovered from his conscious possession and the case have been filed and ultimately they have to face the trail, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 20,000/- as stated above.

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 Excise Judge-I, Begusarai in connection with Muffasil P.S. Case No. 511 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 petitioners, 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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