

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.922 of 2023

Arising Out of PS. Case No.-577 Year-2022 Thana- MADANPUR District- Aurangabad

MAHENDRA BHUIYAN @ MAHENDRA RIKIYASAN Son of Late Bhadaï
Bhuiyan R/V- Shailwan Tola, Ambedkar Nagar, P.S- Madanpur, Dist-
Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Md. Iftexhar Mahmood, APP

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 Madanpur P.S. Case No. 577 of 2022 for the offence
registered under Section 30(a) of Bihar Prohibition and
Amended Excise Act, 2018.

As per the prosecution story, the police upon secret
information during patrolling reached on G.T. Road near
Shivganj and visited the house of the present petitioner.
Although, the accused managed to escape in the cover of
darkness, from a plastic pouch of 5 litres '*desi mahua*' was
recovered/seized. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that



nothing has been recovered from his conscious possession and anything recovered outside his house cannot be attributed to him.

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

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

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 Judge Excise Court No. 1 Aurangabad (Bihar) in connection with Madanpur P.S. Case No. 577 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 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)

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