

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6215 of 2024

Arising Out of PS. Case No.-223 Year-2023 Thana- GANGABRIDGE District- Vaishali

1. Vasmuni Rai SON OF Uma Shankar Rai @ Sardar Jee RESIDENT OF VILLAGE-DIWAN TOK, WARD NO. 08, PS- GANGABRIDGE, DISTT- VAISHALI
2. LAL MOHAN RAI @ MOHAN SON OF DAHAUR RAY RESIDENT OF VILLAGE-DIWAN TOK, WARD NO. 08, PS- GANGABRIDGE, DISTT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Gangabridge P.S. Case No. 223 of 2023 registered under Section 30 (a) of the Bihar Prohibition and Excise Act, 2018 of the Indian Penal Code lodged on 08.10.2023 by the informant, Shailendra Kumar.

3. As per the prosecution story, the police upon patrolling and on secret information raided the hut and recovered 100 liters of country made liquor from the hut of petitioner no. 1 while 130 liters of country made liquor was recovered from petitioner no.2. There is recovery/seizure of other accused persons also. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that the recovery is from a hut which is a joint house, nothing has been



recovered from their conscious possession and they do not have criminal antecedent.

5. Further, irrespective of the outcome of the present case, the petitioner (s) on its own would like to contribute Rs. 5000/- each totalling Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be paid to the District Legal Services Authority, Hajipur.

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

7. Taking into account the aforesaid fact as also that he do not have criminal antecedent, nothing has been recovered from their conscious possession and they do not have criminal antecedent, this Court is inclined to grant them privilege of anticipatory bail, subject to payment of Rs. 5000/- each as stated above.

8. 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 Court No. 1 cum Additional Sessions Judge, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case



No. 223 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(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 six months 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 their 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.

(Rajiv Roy, J)

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