

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6397 of 2024

Arising Out of PS. Case No.-201 Year-2023 Thana- NAUGACHIA District- Bhagalpur

NANDLAL RISHIDEV S/O BHAGWAT RISHIDEV R/O VILLAGE-
NONIYAPATTI, P.S- NAUGACHIA, DISTT.- BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Maslehuddin Ashraf, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

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

2. The petitioner apprehends his arrest in connection with Naugachia P.S. Case No. 201 of 2023 registered under Section 30(a), 32 (ii) 37 (b) of the Bihar Prohibition and Excise Act lodged on 15.06.2023 by the informant, Parmanand Singh.

3. As per the prosecution story, the police upon secret information apprehended one Kishore Mahato and upon his confession raided the house of the petitioner and there was recovery of 30 liters of counter made liquor. Accordingly, the FIR.

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

5. Learned counsel for the petitioner submits that it is



a joint house and nothing has been recovered from his conscious possession.

6. Taking into account the aforesaid fact as also that nothing has been recovered from his conscious possession, this Court is inclined to grant him privilege of anticipatory bail.

7. 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 Additional District and Sessions Judge-12 cum Special Judge Excise 2, Bhagalpur in connection with Naugachia P.S. Case No. 201/2023, 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 petitioner who shall provide official document to show his/her *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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months 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 his 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.

(Rajiv Roy, J)

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