

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39841 of 2024

Arising Out of PS. Case No.-325 Year-2023 Thana- BARHARIA District- Siwan

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Manager Sah son of Late Modi Sah RESIDENT OF VILLAGE - TRILOKA
HATA, P.S.- BARHARIA, DISTRICT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-07-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Barharia P.S. Case No. 325 of 2023 for the offence registered under section 30(a) of the Bihar Excise & Prohibition of Liquor Excise Act lodged on 19.08.2023 by the informant Raj Kumar Kashyap.

3. As per the prosecution story, the informant, a police man alleged that on secret information that the petitioner is in the business of sale and purchase of liquor, raided the old house and recovered/seized 28 litres of wine. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that the said house has already been abandoned by the family and it is without any door or window, can be used by anyone and he do



not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the house belongs to him.

6. Taking into account the aforesaid facts including the fact that it has been recovered/seized from the place which according to the petitioner is accessed by everyone, he do not have criminal antecedent, this Court is inclined to extend 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 Special Excise Court No. I, Siwan in connection with Barharia P.S. Case No. 325 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 members/relatives 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 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 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.

(Rajiv Roy, J)

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