

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32691 of 2024

Arising Out of PS. Case No.-64 Year-2023 Thana- SIRDALA District- Nawada

Manjay Rajbanshi S/O Nanku Rajbanshi Resident Of Village- Pandey Dih,
P.S.- Sirdalla District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-05-2024 Heard Mr. Sheo Kumar Prasad, learned counsel for
the petitioner and Ms. Sucheta Yadav, learned APP.

2. The petitioner is apprehending his arrest in connection with Sirdala P.S. Case No. 64 of 2023 for the offence under sections 30(a), 30(c), 41 of the Excise Act lodged on 15.02.2023 by the informant, Ashok Kumar Yadav.

3. As per the prosecution story, the informant alleged that upon secret information that the petitioner and Arjun Rajbanshi running illicit liquor *Bhatti*, went there, saw the running *Bhatti*, the accuseds managed to escape, a motorcycle was present there. Total recovery has been shown as 1600 liters Mahua fermented liquor as also 40 liters from the motorcycle. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that he do not have any concern with the motorcycle and the recovery/seizure is also from an open place which does not belong to him, Chowkidar due to enmity, has given his name.

5. Further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch in the following manner:

(i) Rs. 5,000/- to DLSA, Nawada for the purchase of journals;

(ii) Rs. 5,000/- to Bar Association, Nawada for the purchase of journals;

(iii) the receipt has to be submitted in the concerned Court.

6. Learned APP opposes the prayer stating that the police found the running Bhathi.

7. Taking into account the aforesaid facts as also the fact that the recovery is from an open place, the motorcycle does not belong to him, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 10,000/- as incorporated above.



8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge, 1st, Nawada, in connection with Sirdala P.S. Case No. 64 of 2023 subject to the conditions 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his 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 his bail bonds.

(Rajiv Roy, J)

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