

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39893 of 2024

Arising Out of PS. Case No.-49 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Vinod Mahto @ Vinod Kumar SON OF Nanki Mahto RESIDENT OF
VILLAGE- BHUPATPUR, PS- KHANPUR, DIST- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-07-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Excise Case No. 49 of 2019 for the offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 of the I.P.C. lodged on 14.02.2019.

3. As per the prosecution story, the informant alleged that on secret information, the house of the petitioner was raided and 1.5 liters of country-made liquor recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that it has been recovered and seized from the courtyard as would reflect from the FIR itself which is an open place, he was out of the State, had no knowledge about the FIR which delayed coming to this Court, further submission is that he do not have any criminal antecedent and the last submission is that 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/- to the District Legal Services Authority, Samastipur to be used exclusively for the use of journals (SCC, BLJ) for its Library through Demand Draft issued by the Local State Bank of India Branch.

5. Learned APP opposes the prayer submitting that he has delayed coming to this Court.

6. Though there is delay on the part of the petitioner, the fact remains that the recovery is from an open place and the petitioner do not have any criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. 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 Special Judge Excise-02, Samastipur in connection with Excise Case No. 49 of 2019 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/relative 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 fortnight for next six months 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)

Adnan/-

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