

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34099 of 2024

Arising Out of PS. Case No.-333 Year-2023 Thana- MAHNAR District- Vaishali

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Anil Rai @ Anil Kumar SON OF MAHESHWAR RAI @ MAHESH RAI
village- Kharjamma ps-Mahnar District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2024 Heard Mrs. Bela Singh, learned counsel for the

petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Mahnar P.S. Case No. 333 of 2023 for the offence under section 30(a) of Bihar Prohibition and Excise Act lodged on 24.12.2023 by the informant, Pratap Kumar.

3. As per the prosecution story, the informant alleged that on secret information about presence of huge quantity of illegal liquor in the cow shed of Kameshwar Rai, raided the place and recovered/seized 222.78 liters liquor. Sujit Kumar was apprehended. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that Sujit Kumar confessed the name of the petitioner which led to this implication and further, only because he has criminal



antecedent, has been implicated at the behest of the Police, neither the cow shed belongs to him nor he has any role to play in it.

5. Further, the submission is that without accepting the allegation, the petitioner intends to deposit Rs. 5,000/- with the Patna High Court Legal Services Committee.

6. Learned APP opposes the prayer submitting that his name has come in the confessional statement.

7. Taking into account the submissions put forward by the parties as also the fact that the cow shed does not belong to him, his name has come in the confessional statement, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 5,000/- to the Patna High Court Legal Services Committee which will be used exclusively for the purchase of the journals, detail of books to be given by Mrs. Bela Singh, learned counsel for the petitioner.

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 Court no.-II, Vaishali at Hajipur, in connection with Mahnar P.S. Case No.



333 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/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)

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