

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39878 of 2024

Arising Out of PS. Case No.-88 Year-2024 Thana- UDWANTNAGAR District- Bhojpur

Suresh Singh @ Mutur Singh S/O Late Shankar Singh R/O Village- Asani,
P.S.-Udwannagar, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Singh, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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 Udwantnagar P.S. Case No. 88 of 2024 for the offence under Section 30(a) of the Excise Act lodged on 06.03.2024 by the informant, Manoj Kumar.

3. As per the prosecution story, the Police upon secret information reached the place intimated to the informant and recovered/seized fifty five liters country-made ‘mahua’ from the tube as also the polythene. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that it has been recovered/seized from an open place which does not belong to him, only because he has criminal antecedent, the locals implicated him. 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. 5,000/- to the District Legal Services Authority, Bhojpur, Ara to be used exclusively for the use of the journals for Library (SCC, BLJ etc)

5. Learned APP opposes the prayer submitting that he has criminal antecedent.

6. Though, the petitioner has criminal antecedent, the recovery is from an open place, FIR lodged and he will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 5,000/- to Legal Services Authority, Bhojpur, Ara as undertaken by the learned counsel for the petitioner.

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 Exclusive Special Judge, Excise Court No. II, Bhojpur at Ara in connection with Udwanthnagar P.S. Case No. 88 of 2024 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 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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