

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40768 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- PANDAUL District- Madhubani

=====

TRISHUL KUMAR @ TRISHUL RAUT S/O HARADEV RAUT R/O
VILLAGE- SARISABPAHI, P.S- PANDAUL, DISTT.- MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-07-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Pandaul P.S. Case No. 45 of 2024 for the offence under Sections 30(a), 41(i) of the Bihar Prohibition and Excise Act lodged on 06.03.2024 by the informant, Chandradeep Thakur.

3. As per the prosecution story, the police upon secret information raided the house of the petitioner and from outside the house, in a fruit basket foreign basket foreign liquor were recovered/seized which altogether quantified to be 32.265 liters.

4. Learned counsel for the petitioner submits that admittedly, as per the FIR the recovery is/are from outside the house which is an open place, only due to rivalry, he has been named and do not have any criminal antecedent.



5. Learned APP opposes the prayer submitting that it has been recovered from outside of his house.

6. Taking the aforesaid facts as also that the recovery is from an open place and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. However, if it is found that the petitioner do have criminal antecedent, the order shall become infructuous.

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 Additional Sessions Judge-II-cum Special Judge, Excise Act, Madhubani in connection with Pandaul P.S. Case No. 45 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/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/-

U		T	
---	--	---	--

