

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39860 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- PANDAUL District- Madhubani

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Shambhu Chaupal @ Shambhu Mandal SON OF MOHAN MANDAL @
MOHAN CHAUPAL R/O- VILL- KHANGAON , P.S- PANDAUL , DIST-
MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate
For the Opposite Party/s : Mrs. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-07-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Pandaul P.S. Case No. 05 of 2024 for the offence registered under sections 272 and 273 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act lodged on 06.01.2024 by the informant, Munna Manjhi.

3. As per the prosecution story, the informant alleged that upon information received, the backyard of the house of the petitioner was raided and there was recovery from the bush, a total of 10 litres illicit liquor. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that he do not have criminal antecedent, recovery is from an open place



but due to local enmity, he has been implicated.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the recovery is from the backyard of the petitioner's house.

6. Taking into account the aforesaid submissions, the fact remains that he do not have criminal antecedent and recovery is from an open place, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Pandaul P.S. Case No. 05 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *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 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 the bail bonds.

(Rajiv Roy, J)

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