

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39997 of 2024

Arising Out of PS. Case No.-208 Year-2024 Thana- NAWADA District- Nawada

Chhotu Kumar @ Aklesh Manjhi Son of Rasho Manjhi Resident of Village -
Shiv Nagar, Ward No.- 04, Police Station - Town, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, 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 Nawada Town P.S. Case No. 208 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 08.02.2024 by the informant, Shashi Bhushan Yadav.

3. As per the prosecution story, upon information, the police raided the place in front of the house of the petitioner and recovered/seized 15 liters of country made liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that only because of criminal antecedent, he has been implicated. Admittedly, the recovery is from an open place which cannot be attributed to him.



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

6. Taking into account the fact that the recovery is from an open place, FIR lodged, will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

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 Excise Judge-1st, Nawada, in connection with Nawada Town P.S. Case No. 208 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)

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