

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42102 of 2024

Arising Out of PS. Case No.-80 Year-2024 Thana- MEDNI CHAUKI District- Lakhisarai

SUNIL KUMAR SON OF NAGESHWAR MAHTO VILLAGE- BANSIPUR
CHANDRA TOLA,P.S.- MEDINI CHOUKI, DISTT.- LAKHISARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : None.
For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-07-2024 On call, no one appears on behalf of the petitioner though learned APP is present.

2. The petitioner apprehends his arrest in connection with Medni Chouki P.S. Case No. 80 of 2024 for the offence registered under sections 30(a) and 32 of the Bihar Prohibition and Excise Act lodged on 13.04.2024 by the informant, Shiv Shankar Mandal.

3. As per the prosecution story, upon secret information, the police intercepted a motorcycle and recovered/seized 5 litres country made Mahua. Accordingly, the F.I.R.

4. As per the petition, nothing has been recovered from his conscious possession and the petitioner do not have any concern with the alleged motorcycle.



5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he has criminal antecedent.

6. Though he has criminal antecedent, the recovery/seizure is from the motorcycle which as per the statement in the petition do not belong to him, 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 District and Sessions Judge-Vth-cum-Special Excise Court-IIInd, Lakhisarai in connection with Mednichouki P.S. Case No. 80 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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