

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46225 of 2024

Arising Out of PS. Case No.-59 Year-2024 Thana- KOTWA District- East Champaran

Suntun Mahato @ Suntun Kumar Son of Ram Govind Mahto @ Ramgobind
Mahato R/O Vill.- Belwa Madho, P.S.- Kotwa, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Jagdhari Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-07-2024

Heard the parties.

2. The petitioner is apprehending arrest in connection with Kotwa P.S. Case No. 59 of 2024 instituted under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 lodged on 7.3.2024 by the informant, Harendra Kumar.

3. As per the prosecution story, the informant alleged that upon secret information, they raided a betel shop and recovered/seized 12.375 liters of foreign liquor beside 2.5 liters of beer. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that though the betel shop belongs to the petitioner, he was not present at the place, it is an open shop and anything recovered cannot be attributed to him.

5. Learned APP opposes the prayer submitting that the



petitioner owns the betel shop.

6. Taking into account the aforesaid submission as also that nothing has been recovered from his conscious possession, FIR lodged, he will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Kotwa P.S. Case No. 59 of 2024 to the satisfaction of learned Exclusive Special Excise Court No.01, East Champaran at Motihari subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(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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