

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 45909 of 2024

Arising Out of PS. Case No.-178 Year-2024 Thana- MADHAURAH District- Saran

Sanjay Nut S/O- Shiv Bachan Nut R/O Of Vill.- Pakaha Nut Toli, P.S.-
Marhowrah, Dist.- Saran At Chapra (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv.
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-07-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Marhowrah P.S. Case No. 178 of 2024 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018 lodged on 21.03.2024 by the informant, Babunandan Pal.

3. As per the prosecution story, the police upon secret information reached the place and recovered/seized 25 litre country made wine from Pakaha Nut Toli. All the accused have escaped. Subsequently, the house of this petitioner was searched and though, everyone had disappeared, there was recovery of 25 litre wine again. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that the perusal of the F.I.R. would show that the recovery was made

from a joint house and only because the house in the name of the petitioner, he has been implicated in this case. The further submission is that he has no criminal antecedent.

5. Learned APP opposes the prayer submitting that the recovery of the seizure is from the house.

6. Taking into account the fact that the recovery of the seizure is from the house which is a joint property, this petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

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) with two sureties of like amount each to the satisfaction of learned 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Marhowrah P.S. Case No. 178 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 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.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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