

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43734 of 2024

Arising Out of PS. Case No.-147 Year-2024 Thana- DUMRA District- Sitamarhi

MUNNA KUMAR SON OF LATE SATYANARAYAN MAHTO @ LATE
SATAN MAHTO VILLAGE- WARD NO. 05, BHISHA, MADHOPUR
ROSHAN, P.S.- DUMRA, DISTT.- SITAMARHI Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ayush Kumar, Adv.

For the Opposite Party/s : Mrs. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 13-09-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Dumra P.S. Case No. 147 of 2024 instituted under Sections 30(a) of Bihar Prohibition and Excise Amendment Act, 2022 lodged on 10.4.2024 by the informant, Akhilesh Kumar Verma.

3. As per the prosecution story, the informant alleged that during night patrolling, upon secret information about arrival of consignment of liquor by Munna Kumar and Shravan Kumar, the place was raided and 351.00 liters of Nepali Saufi liquor recovered/seized. The Chowkidar identified this petitioner alongwith Pramod Rai and Shravan Kumar as the persons who escaped. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the recovery is from the backyard of the house of Pramod Rai for which he cannot be prosecuted. He further submits that Promod Rai has been granted anticipatory bail in Cr. Misc. No. 40012 of 2024. He further submits that irrespective of the outcome of the



present case and/or accepting the allegation, the petitioner intends to contribute Rs. 10,000/- to the District Legal Services Authority, Sitamarhi (exclusively for the purchase of journals like SCC, BLJ etc.).

5. Learned APP opposes the prayer submitting that the recovery is from the back side of the Pramod Rai's house.

6. Taking into account the aforesaid facts, the recovery is from an open place and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 10,000/- to the District Legal Services Authority, Sitamarhi (exclusively for the purchase of journals like SCC, BLJ etc.).

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 Dumra P.S. Case No. 147 of 2024 to the satisfaction of learned Exclusive Special Excise Court No.1, Sitamarhi 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 bailors 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 co-operate in the investigation and make himself available to the police as and when required;

(v) 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;

(vi) 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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