

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44673 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- Excise P.S. District- Siwan

Madan Prasad Sah @ Madan Sah S/o Late Munnilal Sah Village-
Kumkumpur, P.s. - Basantpur, Distt. - Siwan, Pin 841406

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan, Advocate

For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 22-11-2024 Heard learned Counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Maharajganj Excise P.S. Case No. 32 of 2024 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Act lodged on 14.03.2024 by the informant, Anup Kumar.

3. As per the prosecution story, upon secret information that the accused persons which included this petitioner is indulged in the storage and business of illicit liquor, the police reached the spot and raided a Pick-Up Van and altogether 578 litres 880 ml foreign liquor recovered/seized. The apprehended accused gave the name of the accused persons as



his associates, the petitioner being one of them. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that nothing has been recovered from his conscious possession, he has no role to play in the alleged recovery of the liquor, only due to enmity, he has been named.

5. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to pay Rs. 20,000/- to the District Legal Services Authority, Siwan for the beautification of the Civil Court Campus, Siwan through Demand Draft issued by the local branch of the State Bank of India.

6. Learned APP opposes the prayer submitting that the apprehended person named him.

7. Considering the submissions put forward by the parties as also the fact that nothing has been recovered from his conscious possession, the recovery/seizure of 578.880 liters of liquor is from the Bolero Pick-Up which does not belong to him, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 20,000/- to the District Legal Services Authority, Siwan for the beautification of the Civil Court Campus, Siwan through Demand Draft issued by



the local branch of the State Bank of India and the receipt of the same shall be submitted to the Trial Court by the DLSA, Siwan.

8. 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 Exclusive Special Judge, Excise Court No. II, Siwan, in connection with Maharajganj Excise P.S. Case No. 32 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)

Ravi/-

U		T	
---	--	---	--

