

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45929 of 2024

Arising Out of PS. Case No.-191 Year-2024 Thana- NARHATT District- Nawada

Mukesh Chauhan @ Mukesh Kumar S/O Karu Chauhan R/O Village-
Jhikarua Beldari, P.S- Narhat, Distt.- Nawada.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, 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 Narhat P.S. Case No. 191 of 2024 for the offence under Sections 30(a)(c) of the Bihar Prohibition and Excise Act lodged on 28.05.2024 by the informant, Aditya Kumar.

3. As per the prosecution story, the informant alleged that upon information that the petitioner is engaged in manufacturing and sale of illicit liquor, raided the house, he managed to escape but from the cow shed beside the utensils used for manufacturing of the illicit liquor, 5 litre country made liquor recovered/seized which followed the F.I.R.

4. Learned counsel for the petitioner submits that only because of the criminal antecedent, the petitioner has been

implicated in this case and he is on bail in all said cases.

5. Learned APP opposes the prayer submitting that there is recovery of 5 litre illicit liquor from the cow shade.

6. Taking into account the fact that recovery is from an open place, *i.e.* cow shade, the F.I.R. lodged and he will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

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) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court-1, Nawada in connection with Narhat P.S. Case No. 191 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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