

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46266 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- NARAINPUR District- Bhojpur

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1. Jagjiwan Musahar @ Jagjiwan Ram Son Lalak Musahar Resident of Vill-Sahayogi Tola, P.S.- Narayanpur, District- Bhojpur.
 2. Raju Musahar @ Raju Ram Son of Late Suraji Musahar Resident of Vill-Sahayogi Tola, P.S.- Narayanpur, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Ataul Haque, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-07-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Narayanpur P.S. Case No. 28 of 2024 instituted under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 12.04.2024 by the informant, Anirudh Kumar Pandit.

3. As per the prosecution story, the police upon secret information about buying and selling of the liquor, went to the place, the accused persons tried to run away after throwing the plastic gallons but the ‘Chowkidar’ identified them. The petitioners being two of them. From the said gallons, altogether 39 liters of country made Mahua liquor was recovered/seized.



4. Learned counsel for the petitioners submit that nothing has been recovered from their conscious possession and only 'Chowkidar' has name them because they have criminal antecedent.

5. Learned APP opposes the prayer.

6. Taking into account the facts as also the recovery which is from an open place and not from anyone's conscious possession, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail, in the event of their 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) each with two sureties of the like amount each in connection with Narayanpur P.S. Case No. 28 of 2024 to the satisfaction of learned Exclusive Special Excise Court No.1, Bhojpur at Ara 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 of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

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

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners 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 petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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