

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48320 of 2024

Arising Out of PS. Case No.-297 Year-2024 Thana- MUFFASIL District- West Champaran

Sunil Mahto @ Sunil Mahato Son of Late Ramchandra Mahto R/O Vill.-
Lalgarh, Dhangar toli, P.S.- Bettiah, Muffasil, Dist.- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate Mr. Hemant Ray, Advocate
For the Opposite Party/s	:	Mr. Braj Kishore Pd. (APP)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-08-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Bettiah Muffasil (Banuchapar) P.S. Case No. 297 of 2024 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 31.05.2024 by the informant, Sarvesh Yadav.

3. As per the prosecution story, the informant alleged that upon secret information, he reached near the Mission Gate, found an accused running after throwing a bag, in which, there is recovery of 2.5 liters of country-made liquor. The locals gave the name of the petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession nor



he has criminal antecedent.

5. Learned APP opposes the prayer submitting that locals have given his name.

6. Taking into account the aforesaid submissions as also that there is no recovery from his conscious possession and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. However, if it is found that he has criminal antecedent, the present order shall become infructuous.

8. 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 Judge, Excise-1, West Champaran at Bettiah in connection with Bettiah Muffasil (Banuchhapar) P.S. Case No. 297 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/relative 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.

(Rajiv Roy, J)

Adnan/-

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