

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49851 of 2024

Arising Out of PS. Case No.-130 Year-2024 Thana- ATRI District- Gaya

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Jitendra Rajvanshi Son of Janki Rajbanshi RESIDENT OF VILLAGE-
DHARM BIGHA, P.S.- ATRI, DISTRICT- GAYA..

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Deo Raj, Advocate
For the Opposite Party/s : Ms.Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Atri P.S. Case No. 130 of 2024 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 16.04.2024 by the informant, Sanjay Kumar.

3. As per the prosecution story, the informant alleged that in course of patrolling, the police raided a hut and recovered 20 liters of country made mahua. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he has falsely been implicated. The hut does not belong to him, he do not have criminal antecedent and has no role to play in the matter.

5. Learned APP opposes the prayer submitting that as per the FIR, the recovery is from the hut.



6. Taking into account the submission as also total denial of the petitioner about the hut being in his possession, he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

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 Atri P.S. Case No. 130 of 2024 to the satisfaction of learned Exclusive Special Excise Judge-I, Gaya 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/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;



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

(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)

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