

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49404 of 2024

Arising Out of PS. Case No.-50 Year-2024 Thana- BARHAT District- Jamui

Mahadeo Rajak S/o Budhan Rajak R/o vill and P.O. - Chain, P.S. - Jhajha,
Distt. - Jamui

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-08-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Barhat P.S. Case No. 50 of 2024 instituted under Section 30(a), 37 of the Bihar Prohibition and Excise Act lodged on 26.04.2024 by the informant, Ruhi Fatma.

3. As per the prosecution story, the police came to know about quarrel near Bakhari More and found while Scorpio with eight persons present in it. Upon search, recovery of 3.56 liters of foreign liquor was made which followed the FIR and the seizure of the vehicle.

4. Learned counsel for the petitioner submits that the occupants which included his son were arrested and recovery made. He has been named only because of the ownership of the vehicle.



5. The last submission is that the petitioner do not have criminal antecedent.

6. Learned APP opposes the prayer submitting that he is the owner of the vehicle.

7. Considering the submission as also the fact that that there is recovery of 3.56 liters of foreign liquor from the vehicle in which the accuseds were already arrested, the petitioner is only the owner of the vehicle, do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail

8. 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 Barhat P.S. Case No. 50 of 2024 to the satisfaction of learned Special Judge (Excise)- I, Jamui 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 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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