

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51397 of 2024

Arising Out of PS. Case No.-81 Year-2024 Thana- GOVINDPUR District- Nawada

UPENDRA MISTRY SON OF SADHU MISTRY RESIDENT OF VILLAGE
- GOVINDPUR DIH, POLICE STATION - GOVINDPUR, DISTRICT -
NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Govindpur P.S. Case No. 81 of 2024 for the offence under Section 30(d) of the Bihar Prohibition and Excise Act lodged on 20.03.2024 by the informant, Subodh Kumar Paswan.

3. As per the prosecution story, the informant alleged that during the Holi festival, it came to notice that near the cremation place, the manufacturing/selling of ‘mahua’ is being done, accordingly, raided the place and recovered/seized 1600 liters of ‘mahua’ solution that was buried inside the earth. Accordingly, the same was destroyed and the local chowkidar gave amongst other the name of this petitioner. Accordingly, the



FIR.

4. Learned counsel for the petitioner submits that he do not have criminal antecedent, nothing to do with the alleged recovery which is neither from his conscious possession nor from his house rather from a cremation place and due to enmity, the chowkidar named him.

5. Learned APP opposes the prayer submitting that the petitioner has been named on the basis of information given by the chowkidar.

6. Taking into account the facts as also that the recovery is from an open place and the petitioner do not have criminal antecedent, 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-1st, Nawada in connection with Govindpur P.S. Case No. 81 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 one year 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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