

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60525 of 2024

Arising Out of PS. Case No.-367 Year-2024 Thana- SIWAN MUFFASIL District- Siwan

RAJU SAH S/O SUBHASH SAH R/o Village- Pakri Bangali, P.S.- Mufassil,
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-09-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Siwan Mufassil P.S. Case No. 367 of 2024 for the offence registered under sections 30(a) of Bihar Prohibition and Excise Act 2016 lodged on 26.06.2024 by the informant Mukesh Kumar.

3. As per the prosecution story, the informant alleged that upon confidential information that accused persons including this petitioner have concealed liquor behind the bushes of Shiva Temple, the place was raided and although the accused managed to escape, upon search, 17 litres of PM Gold and 15.75 litres of Royal Stag foreign liquor, totalling 33 litres 30 ml were recovered/seized which led to the FIR.

4. Learned Counsel for the petitioner submits that admittedly, the recovery is from the bushes behind the temple and not from the conscious possession and/or the house of the petitioner but only because he has criminal antecedent, implicated.



5. Further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs. 10,000 to the District Legal Services Authority, Siwan.

6. Learned APP for the State, Mr. Jitendra Kumar Singh on the other hand, opposes the prayer for anticipatory bail submitting that he has criminal antecedent.

7. Though the petitioner has criminal antecedent, the fact remains that recovery/seizure is from the bushes behind the temple, FIR lodged, he will be facing the trial, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 10,000/- to the District Legal Services Authority as undertaken by the learned counsel for the petitioner.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. II, Siwan, District-Siwan in connection with Siwan Mufassil P.S. Case No. 367 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official



document to show his *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 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 the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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