

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68174 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- Nawalpur District- West Champaran

1. Mukesh Sah Son of Prasan Sah @ Parsan Sah @ Parasan Sah R/o Village-
Puraina, P.S.- Nadi, District- West Champaran
2. Munna Sah @ Munna Gupta Son of Prasan Sah @ Parsan Sah @ Parasar
Sah R/o Village- Puraina, P.S.- Nadi, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raki Alam, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-10-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Nawalpur P.S. Case No. 68 of 2024 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 23.08.2024 by the informant, Shambhu Ojha.

3. As per the prosecution story, the informant alleged that on the basis of confidential information, the motorcycle as well as car were intercepted and there is/are recovery of 34.920 liters of liquor from the motorcycle and 184.635 liters of liquor from the car. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that the two petitioners do not own either the motorcycle or the motorcar. Further, admittedly, those in possession namely, Lal Bachan Chaudhary, Niranjana Sah and Saheb Kumar were arrested and later, the accused persons named them. Though, it is conceded that the petitioner no. 1 is having criminal antecedent and the further



submission is that without accepting the allegation and/or outcome of the present petition, the petitioner no. 1 intends to pay Rs. 20,000/- to the District Legal Services Authority, West Champaran.

5. Learned APP opposes the prayer stating that petitioner no. 1 is having criminal antecedent.

6. Considering the fact that neither the motorcycle nor the car belong to these two petitioners, admittedly, those driving the vehicle were arrested at the spot, the name has come in the confessional statement, this Court is inclined to grant them privilege of anticipatory bail subject to payment of Rs. 20,000/- by the petitioner no. 1 to the District Legal Services Authority, West Champaran for the purchase of journals which has to be submitted by way of Bank Draft addressed to the District Legal Services Authority, West Champaran at the time of execution of bail bond. Further, the District Legal Services Authority, West Champaran shall be submitting the receipt to the Trial Court.

7. Let the petitioners be released on bail in the event of their 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-11, Bettiah, West Champaran in connection with Nawalpur P.S. Case No. 68 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 petitioners who shall provide official document to show their bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners 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 petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

U		T	
---	--	---	--

