

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79265 of 2024

Arising Out of PS. Case No.-573 Year-2024 Thana- HISUWA District- Nawada

1.

Arvind Rajbanshi S/o Chando Rajbanshi R/o Village- Dumari (Mushari Tola), P.S- Hisua, District- Nawada
2.

Sakaldeo Rajbanshi S/o Chando Rajbanshi R/o Village- Dumari (Mushari Tola), P.S- Hisua, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhilesh Kumar
For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 02-12-2024 Heard learned counsel for the

petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

There is recovery of 10 litres of country made mahua liquor, some manufacturing articles and 200 litres of mahua ghol from the house of co-accused Chando Rajbanshi. The petitioners are alleged to have fled away from the place of seizure.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in the present case. The petitioners were not apprehended from the spot nor anything has been recovered from their possession. The petitioners have got no concern with the alleged illicit liquor. A statement has been made in para 3 of the petition that petitioner No 1 has no criminal antecedent whereas petitioner No. 2 is accused in one other case apart from the present one.

Learned APP appearing for the State has vehemently opposed the prayer for bail of the petitioners and submitted that recovery has been made from the house of the petitioners and his father were apprehended from the spot.

Considering the fact that petitioners were not apprehended from the spot and the quantity of the illicit liquor, let the petitioners, above named, in the event of their arrest or

surrender before learned Court below within a period of four weeks from today, be released on anticipatory bail on his furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-I, Nawada in connection with Hisua P.S. Case No. 573 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C as well as the following conditions:-

(i) One of the bailors should be close relative of the petitioners.

(ii) Petitioners shall co-operate in the trial and shall be present on each and every fixed date and on their absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the learned trial Court.

(iii) if the petitioners tamper with the evidence or threatens the witness, in that case, the prosecution will be at liberty to move for

cancellation of bail.

(iv) In case, the petitioners repeats offence of similar nature after enlargement on bail, their bail bonds may be cancelled by the learned trial Court.

Shageer/-

(S. B. Pd. Singh, J)

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