

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23278 of 2025

Arising Out of PS. Case No.-144 Year-2024 Thana- MALAHI District- East Champaran

Ajay Nat S/O Shabad Nut R/O Vill - Sirani Nat Tola, P.S.- Malahi, Distt.- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the State : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-05-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Malahi P.S. Case No. 144 of 2024 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 14.12.2024 by the informant, Karan Singh.

3. As per the prosecution story, the informant alleged that during patrolling, upon secret information reached the place and recovered/seized 75 liters country made liquor from the hutment of the accused person which led to the F.I.R.

4. Learned counsel for the petitioner submits that he has nothing to do with the alleged recovery, only because of criminal antecedent, implicated. The recovery/seizure is from a hutment which is open to everyone and as such, there is no recovery from conscious possession.



5. Learned APP opposes the prayer for bail.

6. Considering the aforesaid facts as also that nothing has been recovered from his conscious possession rather from the common hut, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

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) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Court No.1, East Champaran, Motihari, in connection with Malahi P.S. Case No. 144 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following 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/her 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 bail bonds.

(Rajiv Roy, J)

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